

MASSENA POLICE DEPARTMENT

BAD CHECK PROCEDURE

If you have received a bad check before you can file a criminal complaint with police department you must:

1. Send a certified letter with a return receipt (or have them served personally) to the person that issued the check. (see back for sample)
 - This letter must notify them that the check they issued was returned from the bank and identify the reason the check was not approved.
 - You must give the person that issued the check ten (10) days from the time they receive the letter to make full payment. Full payment includes the amount the check was written for, the fees charged to you by the bank and any administrative fees (postage, cost of certified letter). If you have a posted “return check fee” that was in effect when the check was written this can be charged as an alternative to the administrative fee.
 - **IMPORTANT:** If you accept partial payment you forfeit your ability to have the person prosecuted.
 - Hold the check. **DO NOT** give it back to the person that issued it unless you receive full payment.
2. At the end of the 10 days you may file a complaint with the Police Department.
 - We will need the original check
 - The original notice from the bank (you do not need the check protested. If the case goes to trial, then you will be required to have the check protested from the bank).
 - You need to provide us with a copy of the letter you sent to the person issuing the check.
 - You will be required to give and sign a statement
 - The Officer will investigate the case and make an arrest if the evidence supports it.
3. Once an arrest is made, although it rarely happens with these cases, you may be required to appear in court and testify.
4. This agency will not collect the money owed for you. Only a court can order restitution once the subject is convicted.

(12/2005)

SAMPLE LETTER

[DATE]

**Mr. John Doe
123 Main Street
Massena, NY 13662**

On [date] you issued a check to me. The check was number [xxxx] and was for the amount of [\$ xxx.xx]

The check was returned to me for (reason bank listed for returning check).

In order to avoid prosecution you must provide me with full payment by no later than ten (10) days after receipt of this letter.

Full payment includes:

Amount of Check	\$ xxx.xx
Bank Fee	\$ xx.xx
Admin Fee	\$ xx.xx
Total	\$ xxx.xx

You can contact me at [phone number] and at [address].

Thank you for your anticipated attention to this matter.

[Signature]