



# ***Derby Police Department***

125 Water Street  
Derby, Connecticut 06418  
Tel. (203) 735-7811  
FAX (203) 736-1499



## INSTRUCTION SHEET AND COMPLAINT PACKAGE FOR BAD CHECKS

This packet contains information about bad check procedures for the Derby Police Department.

First and foremost, the Derby Police Department is not a collection agency. This department will assist any person/business with the criminal prosecution of issuing bad checks or any other crime which occurs within our jurisdiction.

Definition of a “bad check”:

A bad check is defined as a check that has been issued and then returned from a financial institution for “non-sufficient funds” or “account closed”.

The following are some guidelines for the requirements to pursue a bad check complaint in the City of Derby:

- ◆ The alleged offense must have occurred in the City of Derby.
- ◆ The amount of the check(s) must total at least \$100.00.
- ◆ You must have presented the check(s) at the bank within 30 days of receiving it.
- ◆ The complaint must be made to the Derby Police Department within 90 days of the receipt of the notification of the bad check.
- ◆ No partial restitution has been accepted from the issuer.
- ◆ The check(s) is not postdated or agreed to be held before depositing.
- ◆ The check(s) is not a third party or business check.
- ◆ The check must have been returned to you from the bank with “account closed”, “insufficient funds” or other similar notations – “stop payment” checks can not be prosecuted.

This agency must be able to identify the issuer of the bad check(s). This is the single most common reason for the refusal of an arrest warrant application. The standard accepted practice for identifying an issuer of a check is to obtain a traceable form of photo identification (driver’s license). The receiver of the check compares the name and address of issuer to that supplied on the identification as well as height, weight, and age. The photograph on the identification must match the issuer. After this comparison is completed the identification number provided is placed on the face of the check. If this is not the case then the receiver must be able to identify the issuer through other factual knowledge, not assumption.

If your bad check case does not meet the above requirements, you still have the option of a civil action. This action may be initiated in person, or through an attorney. The case can be heard in small claims court or civil court depending on the value.

If your bad check case has met the above requirements, follow the procedure below.

1. The first action is to send the issuer a Certified/Return Receipt Requested letter. This is known as an “eight day letter”. (A sample letter is attached.) After receiving the return receipt allow eight days for restitution to be made by the issuer. Retain this receipt. (This will be your last attempt to collect the debt.) If the letter is returned as “unclaimed”, retain the letter in its sealed condition.
2. Complete the attached arrest warrant.
3. Make copies of all documents for your records.
4. Make an appointment with the Derby Police Department Detective Division by called (203) 735-7811 M-F.
5. Bring the original check(s), the original return receipt for the eight day letter (and letter if returned), the signed request to pursue a bad check complaint, and the completed (UNSIGNED) arrest warrant application.

If you have any questions feel free to contact this agency for assistance.

MISCELLANEOUS QUESTIONS

1. Did the I.D. signature match the signature on the check? YES \_\_\_\_ NO\_\_\_\_.
2. Did the I.D. photo match the presenter? YES \_\_\_\_ NO\_\_\_\_.
3. Did you see the issuer write the check? YES \_\_\_\_ NO\_\_\_\_.
4. Did you see the issuer sign the check? YES \_\_\_\_ NO\_\_\_\_.
5. Can the accepting person identify the issuer? YES \_\_\_\_ NO\_\_\_\_.
6. Do you recall the transaction? YES \_\_\_\_ NO\_\_\_\_.
7. What goods/services were received by the issuer? YES \_\_\_\_ NO\_\_\_\_.

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8. Did anyone else witness the transaction? YES \_\_\_\_ NO\_\_\_\_.

If yes, who?\_\_\_\_\_

9. Was your company check cashing policy followed? YES \_\_\_\_ NO\_\_\_\_.
10. Was the check post dated? YES \_\_\_\_ NO\_\_\_\_.
11. Did the issuer ask you to hold the check? YES \_\_\_\_ NO\_\_\_\_.
12. Have you instituted civil proceedings for this check? YES \_\_\_\_ NO\_\_\_\_.
13. Have you retained an attorney or a collection agency? YES \_\_\_\_ NO\_\_\_\_.
14. Did you accept partial payment on the check? YES \_\_\_\_ NO\_\_\_\_.