



GILFORD POLICE DEPARTMENT

Kristian J. Kelley
Chief of Police

BAD CHECK POLICY & PROCEDURE

I. Types of Bad Checks Accepted

- A. “Account Closed” or “No Account” checks shall be received by investigators in order to determine:
 - 1. That complaints are no more than 30 days from the date check was issued.
 - 2. That if a Regiscope® (check cashing security) photograph was taken it will be made available to the Gilford Police Department (GPD) as soon as practical.
- B. “Insufficient Funds” checks shall be reviewed by investigators in order to determine:
 - 1. The amount of any individual check is in excess of \$100.00.
 - 2. That complaints are no more than 60 days from the date check was issued.
 - 3. That if a Regiscope® photograph was taken it will be made available to GPD as soon as it is practical.

II. Types of Bad Checks Not Accepted

- A. Post dated checks (considered promissory notes and, as such, are not checks at all).
- B. Checks where payees agreed to hold them for a period of time prior to cashing (considered promissory notes).
- C. Checks on out-of-state banks unless amount exceeds \$500.00. *The State of NH does not have the ability to verify out-of-state checking account statuses without the assistance of the Grand Jury. Grand Juries are only involved with felony level bad checks (e.g., those exceeding \$500.00).*
- D. Two-party checks.
- E. “Insufficient Funds” checks under \$100.00

III. GPD Policy

Investigators will investigate checks drawn on accounts where “drawees” are one of two authorized signatures.

- A. GPD will not prosecute bad check cases unless substantial evidence indicates that actual “drawers” were aware accounts were:
 - 1. Closed.
 - 2. Had insufficient funds.
- B. Should investigators be unable to develop such evidence, checks will be returned to “payees” for civil action consideration.

IV. Arrest Warrants

Before applying for arrest warrants investigators shall obtain the following information:

- A. A statement (handwritten is acceptable if legible) from persons accepting checks, to include:
 - 1. Where and when checks were accepted.
 - 2. What transaction circumstances existed (i.e., for goods or services, what conditions (if any) were in place, etc).
 - 3. Evidence regarding the identity of check “passers, to include:
 - a. Regiscope® photograph (if available).
 - b. A physical description (i.e., height, weight, clothing, hair/eye color, etc.)
 - c. Driver’s license state of issue and number (if available).
 - 1. A certified copy of a license number shall be obtained from the Department of Motor Vehicle.
 - 2. Investigators shall check physical descriptions against height and weight listed.
- B. A statement from persons who mailed certified letter(s) to “drawees,” to include,
 - 1. When letter was mailed and what (if any) reply was received.
 - 2. What other attempts (if any) were made to contact “drawers” and results achieved.
 - 3. A copy of letter mailed.
 - 4. The certified letter return receipt.
- C. Any and all bank records for “drawer” accounts pursuant to RSA 359-C:11.

After obtaining all necessary information investigators shall meet with the GPD Prosecutor in order to review the case.

1. The prosecutor may ask investigators to obtain further information through:
 - a. Additional/follow-up interviews.
 - b. Search warrants.

and to see if insufficient evidence exists concerning:

- a. Identities of bad check “passers.”
- b. The status of accounts, vis-à-vis the knowledge of “drawers.”

In such cases checks shall be returned to “payees” explaining any and all difficulties with such cases.

If affidavits, complaints, and warrants are done they will be processed and handled according to department procedures. No warrants shall be issued without complete suspect information, to include full name, date of birth, current address, physical description, etc.

V. Defendant Arrests

A. Store employees will be subpoenaed in order to appear as witnesses at hearings.

1. If witnesses cannot be located the GPD Prosecutor may *nol-pros* (end prosecution) the case.
2. GPD will not proceed with cases when they cannot be proved.

B. If defendants wish to make restitution for bad checks they may do so; however, regardless of whether restitution is made or not, GPD shall proceed with the prosecution of cases.

1. It is the purpose of GPD to deter criminal conduct and not to collect debts.
2. Merchants should not suggest to defendants that cases will be dismissed if restitution is made.