

## Salem Police Department Deceptive Practice Policy

The Salem Police Department has established the following policy concerning the handling of bad checks.

- We are willing to accept “***Insufficient Funds***” checks for collection that have been presented to the bank two (2) times and at least 7 days apart. We will continue this policy unless unforeseen problems arise.
- “*No Account*” or “*Account Closed*” checks may be brought in upon first return from the bank.
- The law does not permit criminal prosecution of two-party checks, postdated checks, or checks where the merchant has been asked to hold the check for a period of time.
- **Obtain the Date of Birth of the check writer**. We now must have the date of birth before filing a charge. The State’s software program for entering in criminal histories requires the date of birth of the person charged with a crime.
- Before bringing the check to our department, you must make an attempt to contact the check writer by **certified letter** and demand they make the check good.
- If this fails, fill out a *REQUEST FOR PROSECUTION* form (attached) and bring the completed form and check(s) to the Salem Police Department (*Note that this form may be completed on your computer, but must be printed and manually signed before returning to the police department*). If an employee accepted the check, you should have the employee’s name, address, and telephone number available on the form.
- **If you should receive payment any time after submitting a check to our department, call the number below immediately and ask for the Detective.**
- The Salem Police Department will not negotiate payment plans. If a victim wishes to do so, that is fine, however the State’s Attorney’s Office will not prosecute any such failed plan.
- In receiving restitution, it is the opinion of the State’s Attorney that restitution from the check writer should include all bank service charges and a reasonable handling charge by the victim. The court however, will only grant the restitution to cover the amount of the check.

## Request for Prosecution of Deceptive Practice

1. Your business name, address and telephone number (if a partnership, list all names of partners, if a sole proprietorship, list name of sole proprietor).
2. Give the location (address) where the check was delivered.
3. What was exchanged for the check? (Cash, groceries, gas, etc)
4. Name, address telephone number of employee who accepted the check.
5. Can the person that accepted the check identify the person who issued the check?      Yes      No
6. Give a Date of Birth of the check writer. Please include a physical description of the person who issued the check together with any other identifying information.
7. Did the suspect inform you that the/she did not have sufficient funds in the account at the time the check was issued?      Yes      No
8. Was the check post-dated?      Yes      No
9. Was this check for payment on account (Partial payment of total amount owed)?      Yes      No
10. Was the check received in the mail?      Yes      No
11. Were you asked to hold the check for a period of time before cashing it?      Yes      No
12. Dates of statements made by the check writer to you since the check was returned.

**A copy of the certified letter must be attached to this report for investigation.**

Signature \_\_\_\_\_  
(please sign and return)

**PLEASE CONTACT THE DETECTIVE AT THE SALEM POLICE DEPARTMENT IMMEDIATELY IF YOU RECEIVE ANY PAYMENT. 618-548-2232**