

Fort Plain Police Department Bad Check Complaints Procedures

The Fort Plain Police Department cannot assist the recipients of “Bad Checks” in obtaining payment. We will, however, assist persons who desire to initiate a criminal action against another for the issuance of a bad check.

In order for us to proceed, certain procedures must be followed and several requirements must be met before a criminal complaint can be lodged.

On the following page is the five (5)-step procedure for initiating a bad check complaint. Each step must be completed as described and in the order listed.

Remember, this procedure is to initiate a **criminal** complaint, which may result in the arrest of the person who issued the bad check. You or your employees may be required to testify in court. Once you file a criminal complaint, it may not be withdrawn except in **extraordinary** circumstances and with the consent of the Montgomery County District Attorney’s Office only. While the court may order restitution as part of the final disposition of the case, conviction of the defendant does not guarantee you will receive your money.

**Fort Plain Police Department
Procedure For Filing A Bad Check Complaint
Complete Instructions**

1. Send a letter to the debtor by certified or registered mail, return receipt requested. The letter should state that the check was returned from the bank, indicate the reason for the return, and demand payment. Keep a copy of the letter you send.
----We have created a form letter for you to use.----
2. If you have not received the payment after ten (10) business days from the date you mail the letter, contact the bank upon which the check is drawn and obtain a properly completed "Notice of Protest." You will have to pay a fee that may be returned in court.
3. Bring the "Notice of Protest," a copy of the letter you mailed to the debtor, the original check, and the return receipt for the letter to the Fort Plain Police Department.
4. An officer will open a criminal complaint against the debtor and complete a case file with a warrant application. The warrant application and criminal complaint will be taken to court where the judge will sign the warrant.
5. We will then determine if the defendant resides in Montgomery County or an adjoining county and if so will make provisions to arrest the defendant and bring them before the local judge. Should the defendant reside in a county other than Montgomery County or an adjoining county, we will attempt to make arraignments for the defendant to be arrested and extradited for arraignment.

Special Note: The Fort Plain Police Department will not assist you in:

- A) prosecuting third party checks;
- B) post dated checks;
- C) or checks where partial payment has already been accepted by you.

Therefore: If you intend to move forward with criminal prosecution do not accept third party checks, post dated checks, or accept ANY type of partial payment or agreement.

Date: _____

Debtor's Address _____

Dear: _____

You have written the following check(s) (at our store) (to me) and (they have) (it has) been returned (to us) (to me) for the reason(s) indicated:

Check # Date of Check Amount of Check Name of Bank Protest Reason

(We) (I) must insist that you make immediate restitution in the amount of \$ _____ (to us) (to me) for the above listed check(s), this amount includes a store surcharge of \$ _____ per check and the face amount of the issued check(s). You must pay this amount to (us) (me) within ten (10) business days at the following address. Your failure to make these payments may lead to additional financial penalties and a CRIMINAL prosecution, including your arrest.

If you have any questions, you may contact me at (____)_____.

Sincerely,