

**DATE: 05/14/2013**  
**TO: AREA BUSINESS OWNERS/MANAGERS**  
**FROM: CARL N. FROST, CHIEF OF POLICE**  
**RE: BAD CHECKS**

The purpose of this letter is to clarify for you, the business owners/managers, this Department's enforcement procedures for bad check investigations. If you institute guidelines within your own business you will make the prosecution of these cases run much smoother. This will allow for less investigative time on our part and a greater success rate in the apprehension and prosecution of the criminals, and in most cases, restitution for your business.

**THREE TYPES OF BAD CHECKS:**

Non-sufficient funds/NSF  
Closed account  
Forgeries

**SUGGESTED POLICY FOR EACH OF THE ABOVE CATEGORIES:**

**NON-SUFFICIENT FUNDS/NSF:**

You must first send a ten day payment demand as per Ohio law. It is not a crime in Ohio to issue a check on an account which does not have sufficient funds unless payment is not made after notice of dishonor.

Send two payment demand letters. Send one via certified mail and the other by regular delivery. Follow the next step even if the certified letter comes back without being signed for.

After ten days, if payment has not been received, then contact this Department to have an officer file a report. You may either bring the check to the Police Department for the report or call to have an officer come to your place of business. Give the responding officer the original check and the certified mail receipts for evidence. Keep a record for yourself so that you can keep track of which checks have been prosecuted and/or restitution made.

**CLOSED ACCOUNT CHECKS:**

These types of checks are a crime immediately upon the passing of the check if the subject knows his/her account was closed at the time the check is issued. However, still follow the procedure detailed above to see if you can receive restitution without further delay.

If you do not receive restitution after ten days, then contact this Department for a report. Provide the original check and certified receipt.

**FORGERIES:**

Contact this Department as soon as possible. Do not attempt to contact the subject who wrote the check or the subject whose account it belongs to. This is a serious crime and many subjects who steal using this method instead of taking the chances involved in shoplifting, robbery or break ins.

Before calling to report this information we want you to understand that you may or may not receive restitution for this check. We have had very good success with the courts ordering restitution. However, it is not in every case possible to order restitution and some Judges will not order it. It may in some cases become necessary to file a civil suit to recover your losses.

Once you turn over a check for investigation, you may have a subject contact you to make restitution. If that should occur, the following step is to be followed:

Take the money and issue a receipt. Contact the investigating officer and advise him that restitution has been made, or fax a copy of the receipt to the Police Department at 330-549-9357 or email to [police@beavertwp-oh.gov](mailto:police@beavertwp-oh.gov). You cannot tell the suspect that you will drop charges in exchange for the money. This Department and the Court cannot act as a collection agency and therefore, any investigations began cannot be terminated, except by the legal system. To put it plainly, once you file a report it is then out of your hands.

To recap this information, I would like to make it clear that we are happy to conduct these types of criminal investigations on your behalf. But, to make it easier on us, please follow the suggestions in this letter and make your employees get the required information on the checks. We cannot file arrest warrants without the correct identity of the suspect. In general, cases like these usually result in one court appearance for the witnesses. Quite often, if restitution has been made, we are able to handle these cases at trial without having any court appearances by you or your employees.

**IMPORTANT NOTICE CONCERNING POST-DATED CHECKS:**

As per the Mahoning County Prosecutor's Office, a post-dated check that is returned NSF will be considered a civil issue and must be pursued as such. To file a civil lawsuit from an incident occurring in Beaver Township, you must visit Mahoning County Court #5 in Canfield, Ohio, 72 North Broad Street and obtain the necessary paperwork. A Small Claims suit is \$35.00 to file. A Civil Suit over the amount of small claim is \$125.00. Other fees may apply. You may contact County Court #5 at 330-533-3643 for further information.

In closing, we again want to point out that the Beaver Police Department aggressively investigates bad check cases. We have a very high conviction rate and restitution is usually obtained for the victim. By following these procedures, you will make the entire system work more efficiently.

Thank you for your attention to this matter of mutual concern.