



BLOOMFIELD POLICE DEPARTMENT

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BAD CHECK INVESTIGATION REQUEST PACKET

BPD-Z40

PART I

Information/Procedures

This document explains the procedures for initiating a request for a bad check investigation/prosecution and solicits the information required to support that action.

1. A bad check is a check written for the payment of money from a nonexistent or closed account or from an account that contained insufficient funds to cover the amount specified in the check. Bad check arrest warrants will be considered for issuance only when the underlying circumstances are indicative of a flagrant and obvious instance of fraudulent intent and the specifics of the case are such that the activity is prosecutable under Connecticut law. The specific conditions governing such consideration are discussed below.

2. A check can be deemed "bad" if it has been presented for payment and refused by the drawee within thirty days of its issue date and the matter has not subsequently been resolved after an eight-day statutory demand notice has been mailed to the issuer by certified mail, return receipt requested, at the issuer's last known address. (The affiant on the warrant application must have signed the demand notice.)

3. Cases involving post-dated checks or checks that the complainant agrees to hold before depositing cannot be prosecuted under Connecticut law.

4. Cases involving third-party checks will not be accepted for prosecution unless the complainant can prove that the issuer or payee as listed on the check is the person who actually issued or endorsed the check.

5. The final decision whether or not to prosecute an individual issuing a bad check will be made by a representative of the Police Department and/or the State's Attorney based on several factors (in addition to those conditions listed in paragraphs 1 through 4 above) including evidence of intent to defraud and availability of supporting documentation.

6. Criminal prosecution does not guarantee restitution. If you, the affiant, agree to prosecute this person, you cannot drop the charge if he or she offers to pay the check once the warrant is issued. If a criminal case cannot be proved, the check will be returned to you upon request.

7. If you decide to proceed with this request:

- a. Ensure that parts II, III and IV of this form are completed with the best, most complete information available. Part III must be completed and signed by the person who actually took the check. Part IV must be signed by the complainant (who must also be the affiant as discussed below) having knowledge of the transaction, e.g., manager, cashier, owner. **Part IV must be signed in the presence of a witnessing officer.**

Bloomfield Police Department

7. Continued:

b. Attach the following documents to this form:

- 1) the bad check;
- 2) a copy of the sales receipt or invoice (if available) showing the goods or services for which the check was tendered,
3. the bank notice indicating the reason the check was unpaid,
- 4) a copy of the 8-day notice mailed to the issuer requesting resolution, signed by the party who will be the affiant on the arrest warrant application,
- 5) the certified mail receipt from the Post Office that shows evidence of the mailing of the demand notice, and
- 6) the green, confirmation of mail delivery receipt signed by the check issuer/addressee or authorized agent or, if the notice was undeliverable, the return receipt annotated as undelivered and the undelivered envelope in which the demand notice was mailed.

c. On the ARREST WARRANT APPLICATION – BAD CHECK, JD-CR-57 (included in this packet), complete the seven lines following the “Affidavit” section heading. **Do not sign this warrant application until in the presence of a police officer who must witness the affiant’s signature under oath.** If this complaint involves multiple checks, also complete the SUPPLEMENT FOR MULTIPLE CHECKS, JD-CR-57A, included herewith.

8. To initiate the bad check complaint, return this completed form and all required documents (as noted in Paragraph 7 above) in person to the Bloomfield Police Department and request a police officer review it. Complete the ARREST WARRANT APPLICATION and sign it in the officer’s presence. If the affidavit is backed by sufficient information to support the probable issuance of the arrest warrant, it will be submitted to the court for further review and possible action.

Bloomfield Police Department

PART II

Background Details: *To be completed by the person making the complaint –*

1. Your business name: _____
2. Business address: _____
Business - Phone: _____ Fax: _____
3. Person making complaint: _____ Job title: _____
Home address: _____ Home phone: _____
4. Full address of business, branch, or place where the check was received:

5. Check: number: _____ Date: _____ Amount: _____
6. Drawee Bank: _____
7. Name of the person who presented the check: _____
8. If different, name of person/business that issued the check: _____
9. When was the check deposited or presented for payment? _____
More than once? No: _____ Yes _____ When: _____
10. Please detail what steps you or your employees have taken to contact the person who presented/issued the check and/or to recover your loss:
Who was contacted? _____ By whom? _____
When? _____ How? _____
Result? _____
11. Has the presenter/issuer attempted to make restitution? No _____ If yes, please detail _____

12. Have you instituted civil proceedings against the issuer?
No _____ Yes _____ What court? _____ Docket #: _____
Case status: _____
13. Have you retained an attorney or turned this matter over to a collection agency in an attempt to collect the check?
No _____ Yes _____ Whom? _____
Status: _____
14. Please indicate on the reverse of this form any additional information that you believe would help in locating and prosecuting this person.
Check here if information is continued on the reverse: _____

Bloomfield Police Department

PART III

Details of the Transaction: *To be completed by the person who actually took the check –*

1. Your name: _____

Home address: _____

Zip code: _____ Home phone: _____

2. Description of check issuer / passer (circle one or both if applicable):

Race _____ Age _____ Sex _____ Height _____ Weight _____

Hair color _____ Hair length _____ Other ID features _____

Name given: _____ How verified: _____

Person claimed employment at: _____

Phone number given: _____

Address given: _____

3. Driver's license number of issuer / passer: _____ State: _____

Did signature on I.D. or license appear to match the issuer's / passer's signature on check?

Yes _____ No _____

Did issuer's / passer's appearance match photo on I.D. used? Yes _____ No _____

Other I.D. used: _____

4. Description of automobile involved (if any): License No. _____ State _____

Make _____ Model _____ Color _____

5. Description of person or persons who accompanied the issuer / passer (if any):

Continued on next page:

Bloomfield Police Department

PART III: continued -

6. Name of other persons who witnessed the transaction and a phone number at which each can be reached:

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Please circle the correct response(s) in each of the following items:

7. What consideration did the issuer / passer obtain in exchange for the check?

Credit for a bill? _____ Services? _____

Cash? Amount: _____ Rent or mortgage payment? _____

Merchandise?

Please describe: _____

8. Do you know the issuer / passer? Yes No

If yes, how? _____

9. As the person who accepted the check, can you identify the issuer / passer? Yes No

If yes, how? _____

10. Was the check post-dated and/or did the issuer / passer ask you to hold the check for a future date?

Yes No

11. Did you see the issuer write and/or endorse the check?

Yes No

12. Did you initial, mark on, or write upon the check at the time you accepted it?

Yes No

If yes, what? _____

Signature of the person who accepted the check

Date

Bloomfield Police Department

PART IV

Affidavit: *To be completed by the person making the complaint –*

I hereby affirm that I understand and agree that all the information contained in this document may be used and disseminated among Law Enforcement Agencies, the Office of the State's Attorney, and the Courts. I also affirm that I understand that the check(s) referenced above is (are being) submitted for criminal prosecution and that, if criminal prosecution is initiated, those persons having knowledge of the facts in this case may be required to appear and testify in court.

I hereby certify that no one has accepted full or partial payment for this (these) particular check(s) as of this date, and I further agree NOT TO ACCEPT RESTITUTION WITHOUT NOTIFYING the investigating police officer.

I hereby certify that I have read and understand the directions of Part I of this form and that, to the best of my knowledge, all of the facts entered herein, including the information entered in Part II, are true, accurate, and complete.

Signature of the person making the report: _____

Printed name: _____

Date signed: _____

Signature of officer witnessing the above signature: _____

Printed name/ ID: _____/_____

Date signed: _____

Case Number Assigned: _____