

IOSCO

COUNTY

OFFICE OF PROSECUTING ATTORNEY

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ASSISTANT PROSECUTOR

CHECK POLICY FOR IOSCO COUNTY

This policy establishes guidelines to be used by all law enforcement agencies in Iosco County when a business or a citizen requests an investigation of a check law violation.

IDENTIFICATION

1. Identification of the check writer is crucial to prosecution of check complaints. Proper Identification (i.e. photo ID, drivers license) **MUST** be obtained from the check writer at the time the check is accepted. Checks presented to the police **MUST** bear the following information:
 - a) Check writers operator's license number or photo identification number.
 - b) Check writers Date of Birth, Race, and Sex.
 - c) Identity of the person accepting the check.
 - d) Person accepting the check **MUST** write a), b), c) above on the check being accepted.
 - e) Work and/or home address and telephone number of check writer.

FIVE DAY NOTICE

1. Complainant is responsible for sending the required five (5) day notice. You may obtain a copy of a five-day notice from any local law enforcement agency. Also, attached is a copy of the 5-day notice.
 - a) Delivery of this document **MUST** be **Restricted Return Receipt** to the writer of the check.

TIME

Iosco law enforcement agencies shall **NOT** initiate an investigation in check cases where more than 90 days have passed from the date the check was accepted.

FORMS

The attached form (Worthless and Forged Document Information Sheet) **MUST** be filled out in its entirety for each bad check. Before turning the originals over to your local law enforcement agency, please retain a copy of this form, the 5-day notice, and a copy of the check (front & back) for your records.

CIVIL TRANSACTIONS

The following types of checks **SHALL NOT** be accepted for prosecution:

- a) Post dated checks or request to hold checks.
- b) Two party checks.
- c) Checks tendered as deposits.
- d) Checks for which partial payment has been accepted.

OUT-OF-STATE CHECKS

Out-of-state checks present a unique problem for prosecution as an out-of-state bank representative is necessary in order to prosecute these cases; if a 5-day notice is not served. Individuals/Merchants are encouraged not to accept out-of-state checks. If the amount of the check does not exceed \$200.00, the writer out-of-state check cannot be extradited.

CHECKS RECEIVED IN THE MAIL

Identification of the writer of these types of checks at the time of writing is impossible. An investigation can be conducted, but if the individual does not admit to writing the check, it will be extremely difficult to prosecute. Individual/Merchants are encouraged not to accept checks as payment through the mail; require Money Orders or Certified Checks instead.

DURATION OF CASE

Once a check is turned over to the police, the case will proceed through the criminal justice system. Law enforcement is **NOT** a collection agency for individuals or businesses. A case will **NOT** be dismissed because the check is paid off. When business/individuals are served a subpoena to testify they are expected to appear. Failure to appear pursuant to a subpoena will result in a show cause why the business/individual should not be held in contempt of court. That business/individual will risk the possibility that bad checks will no longer be prosecuted.

WORTHLESS & FORGED DOCUMENT INFORMATION SHEET

Complaint # 365- _____
File Class: 26006 _____
Date: _____

COMPLAINT INFORMATION (person reporting to police):

Name _____ (First) _____ (Middle) _____ (Last) DOB _____

Home Address: _____ (Street) _____ (City) _____ (State) _____ (Zip Code)

Work Address: _____

Phone (home): _____ work: _____

VICTIM INFORMATION (person/business losing money due to check(s)):

Name _____ (First) _____ (Middle) _____ (Last) DOB _____

Home Address: _____ (Street) _____ (City) _____ (State) _____ (Zip Code)

Work Address: _____

Phone (home): _____ work: _____

PERSON ACCEPTING CHECK:

Name _____ (First) _____ (Middle) _____ (Last) DOB _____

Home Address: _____ (Street) _____ (City) _____ (State) _____ (Zip Code)

Work Address: _____

Phone (home): _____ work: _____

SUSPECT INFORMATION (person writing check):

Name _____ (First) _____ (Middle) _____ (Last) DOB _____

Home Address: _____ (Street) _____ (City) _____ (State) _____ (Zip Code)

Work Address: _____

Phone (home): _____ work: _____ Race: _____ Sex: _____

Date Check Received: _____ Day of Week: _____ Time Received: _____

Was the check marked by recipient (i.e.: initials)? Y N

Can recipient identify suspect? Y N

Was picture identification produced? Y N

Was picture identification checked for a match to person cashing? Y N

Type of identification and identification number: _____ / _____

Type of purchase? (Cash, merchandise, etc.) _____

5-Day notice:

Date notice sent by registered/restricted delivery mail: _____ Who sent notice? _____

Date return receipt received from Post Office: _____ Who signed for the 5-day notice? _____

Bank/Credit Union drawn upon: _____ Reason check returned: _____

Passed by or name used: _____ Made payable to: _____

Other witnesses: _____

TAWAS POLICE AUTHORITY

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