



"Your Honor, my account  
couldn't have been overdrawn,  
I still had checks left!"



# Got A Bad Check? What Should You Do?

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Carol Stream Police Department



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*“Time was when a man’s word was as good as his bond. But nowadays, even the signature of some are worthless-especially to those who are stuck with bad checks.”*

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## Getting Started

To you, a personal check may be one method to receive payment for your goods or services. As a way to receive payment, a personal check is actually better than credit cards because the fees are less and there can be no charge back unless you receive a “bad” check.

## The Purpose of this Booklet

Winning the battle of wits against bad-check passers is largely a matter of knowledge and vigilance. You have to know what you’re up against. This booklet was developed to help you to become aware and educated about bad checks and how to handle them.

Whether or not you recover any money lost on a bad check depends on the person who gave it to you and the practices you set up to receive checks. He or she may be one of your best customers who inadvertently gave you a check when the funds in his or her bank account were insufficient. On the other end of the scale, he or she may be a career criminal.

## The Carol Stream Police Department Policy Regarding Bad Checks

Due to the cost of the investigation process of worthless document reports, it is the policy of the Carol Stream Police Department not to take a “Bad Check” report if the case does not meet following the department guidelines;

- a check issued for \$150 minimum or three (3) checks within 90 days having a value over \$150.
- NSF or Account Closed checks under \$150 & older than 1 ½ years (due to the statute of limitations).
- NSF or Account Closed check over \$150 & older than three years (due to the statute of limitations).
- All forgery reports occurring within Carol Stream will be taken. If it was accepted outside of Carol Stream, you will be directed to take the check and make a report to that law enforcement jurisdiction. (Best Rule of Evidence)

**\*\*Important\*\* If you find you received a bad check and the person is not present, please call the Investigative Aide at the Police Department for an appointment to file a report.**

**REMEMBER:** The older the check, the harder it will be for witnesses and/or lab processes to identify the check writer. Fingerprints on checks are temporary and without witnesses it will be difficult to prove the case criminally. In those cases, your best chances for recovery may be through small claims court.

In some circumstances we may take a matter of record report for a bad check that occurs outside of these guidelines. Please call the Investigative Aide if you have any questions.

## SUGGESTED PROCEDURES FOR ACCEPTING CHECKS

1. **Make a policy and stick to it!** Teach everyone and hold them to it.
2. Request a picture ID card and a major credit card for any purchase made with a check and confirm the info;
  - A. Driver’s license or Illinois identification card with photo.
  - B. Any credit card or other card with the issuer’s signature or photo on it. Verify the credit card has the appropriate card security features. If you don’t know what they are, speak to your supervisor or contact the Police Department Crime Prevention Office.
3. Request a telephone number from the customer. Do not depend on a phone number or driver’s license printed on the check because it may not be current or correct. If the person cannot give a phone number or won’t give a phone number, be suspicious and get more IDs.
4. Look for the check safety features on the check. If you don’t know them, ask your supervisor or contact the Police Department Crime Prevention Office.
5. On the front of the check, write down the driver’s license number near the top of the check, include the state and initial the check.
6. If the check was already signed when they presented the check to you, ask them to sign the check again. If the person is legitimate, they will follow your directions. If you still think the check may not be legitimate, ask the person to place



their thumbprint (without any ink or other preparation) on the face of the check. If they refuse, **DO NOT ACCEPT THE CHECK.**

7. If you have a check cashing/verification service, use it. Verify that the check issuer was not previously reported as having issued bad checks.

Bad check writers hate to be delayed. Sometimes they will try to make idle chit-chat with you so you won't suspect or detect what they are doing. If you take your time and even if you have to check with your supervisor, this delay may make the person nervous and they may even walk out without the check.

**\*\*IMPORTANT\*\* Never accept a post dated check. In order for a criminal charge to be filed, we have to prove that the person knew, at the time they issued the check, that it would not be paid on the date you presented the check.**

Careless check cashing procedures result in losses for you and difficulty for the honest person to cash a check with you. We encourage you to accept only local checks and never accept a 3rd-party check or give any cash back unless they have established a good check cashing history.


## WHAT SHOULD I DO IF I GET A BAD CHECK?

Despite your best efforts, you may receive a bad check or two. Fortunately, most people are honest in taking care of their checking account. Sometimes you'll find that the customer was simply careless with their checking account or finances. The first thing to do is politely contact the individual and give them an opportunity to make the check good. Often, willingness to pay the amount of the bad check plus any service or additional fees is a defense to a criminal charge of writing a bad check.

Unfortunately, some bad check writers are opportunists that stay on the fringes of crime. They know how to manipulate the system to their advantage. They take advantage of the overworked personnel. They lie and make numerous excuses in an attempt to avoid or delay paying off their bad checks. There are times when the individual decides to make themselves scarce. At these times you may want to take legal action against the bad check writer.



**SOME EXCUSES GIVEN BY PEOPLE WHO PASS BAD CHECKS:**



"It was faster and simpler than credit cards. Besides the business was covered by Check Verifier. They weren't out anything."

"I knew the account was closed but really, I couldn't see letting the last few checks go to waste!"

"Armed robbery had become a real source of stress for me! My doctor told me to take up something easier and less stressful, so I did checks."

The complex block has an orange background. On the left is a cartoon illustration of a woman with glasses and a purple top standing at a counter with a cashier. The cashier is a man with curly hair wearing a blue shirt. The woman has a yellow shopping bag and a blue box. To the right of the illustration are three lines of text, each enclosed in a thin red horizontal line.

## WHAT TO EXPECT

Proceedings through the Police Department or the State's Attorney's Office are criminal, but criminal proceedings do not guarantee that the judge will order restitution to you although that is generally what happens. In criminal court, the States Attorney is your attorney and they must prove the person is guilty "beyond a reasonable doubt" (99.99%). If found guilty, the bad check writer may get several years to pay the full debt and may not even complete paying the full amount of the judgment. In that case, the judge may extend the bad guys probation or revoke the probation and put him in jail. Then you may get nothing. In that case, the DuPage Co Victim Witness Program may be able to help you.

Proceedings through Small Claims Court are civil. In civil court you only have to prove "a preponderance of the evidence" (51%) or "would a reasonable person believe that the person committed the crime". If the judge rules in your favor, monetary damages may be ordered, however, no criminal record or punishment will result. In Small Claims Court, the victim may represent themselves. However, any corporation that files a civil suit must be represented by an attorney. If the offender has no money or assets, there may be an order to garnish the person's wages or some other civil order

## What Type of Bad Checks Are There?

There are four main reasons a check may not clear:

- "Non-Sufficient Funds"
- "Account Closed"
- "Counterfeit" "Refer to Maker" or "No Such Account"
- "Stopped Payment"

The proper action to take depends upon why the check didn't clear.

If you have any doubt as to why the check was returned or if other criminal conduct has occurred, you can contact the Police Department's Investigative Aide for assistance.

### **"Non-Sufficient (NSF)" checks**

When you learn that you have received a NSF check or an insufficient funds check, please complete the following steps;

A. Make a file for yourself. Make a copy of the original check and place the original check into an envelope and place it in the file.

B. Fill out all the information on the "Returned Check File". In order to prosecute the offender, this information is important. A sample of the form is

RETURNED CHECK FILE.

If it should become necessary to prosecute, it is helpful to show that the offender was notified in written and verbal form or at least attempts were made. It is also essential to know what report was obtained, as well as who accepted the check.

Reason Returned:  Account Closed  Non-Sufficient Funds

PERSON WHO ISSUED THE CHECK: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

BANK: \_\_\_\_\_ CHECK NUMBER: \_\_\_\_\_  
AMOUNT: \_\_\_\_\_ DATE ON CHECK: \_\_\_\_\_

IDENTIFICATION USED: \_\_\_\_\_ @ \_\_\_\_\_ AM/PM  
DATE/TIME ACCEPTED: \_\_\_\_\_  
Person who accepted check: \_\_\_\_\_

PROPERTY OBTAINED: \_\_\_\_\_

C. Attempt to contact the check the "Returned Check File". If the new number cannot be

writer by telephone. Document the action on person's telephone is disconnected and a determined, indicate that on the form.

D. Whether the first telephone should be to send the customer a located at the back of this issuer of the check should be documented in the file.

contact is successful or not, the next step written notice. A sample "demand letter" is booklet. Any efforts made to contact the

E. If restitution is not made, a United States Postal Services certified letter, return receipt requested demand letter should be sent to the account holder. Keep a copy of the letter. Allow 30 days from the date of delivery for full restitution to be made. **DO NOT ACCEPT PARTIAL PAYMENT!** If the letter is returned as undeliverable, contact the Investigative Aide immediately and initiate a police report. When the USPS receipt is returned, place it into the file for future court purposes.

F. If you have completed all of the guidelines above and restitution has not been made after 30 days, you may do either of the following:

a. Initiate a civil suit in Small Claims Court against the person for triple the amount lost as a result of the bad check, a maximum of \$1500 business involved must initially of the subpoena by the Sheriff's Unit for more information or the Small Claims Information Clerk's Office website at Follow the information inside



the pamphlet.

b. If you wish to prosecute the offender criminally, you must file a police report at the police station. Bring all your documents, your case file, and any other information with you to make the report.

**\*\* SPECIAL NOTE \*\***

- **Never give the original check back to the person who issued you the check unless they make full restitution. Only accept cash, cashiers check or a money order. Verify it with the bank before you give them the product or check back. Do not accept another check to pay the debt.**
- **If you accept even a partial payment for a bad check before you make the report to the police, you cannot seek criminal complaints against the person.**
- **If you file a civil suit against the check holder before you file a police report, you cannot file a criminal complaint.**

**"ACCOUNT CLOSED" CHECK**

If you have received an account closed check, you can call the check writer and attempt to recover the debt yourself or contact the Police Department Investigative Aide to set up an appointment in order to file a report. If it was given by a good customer, sometimes it is just better business sense to contact the customer first to try to get restitution.

**"COUNTERFEIT", "REFER TO MAKER", OR "NO SUCH ACCOUNT"**. This generally means you have a forged check.

In today's electronic banking and computer age, there are many computer programs, scanners and blank check paper stock available for people to print their own checks. The unscrupulous bad guy can use your banking information to make up checks and pass them where ever they can, including paying for items at your garage sale, on the internet, at a small business, for a pizza, for your car, etc... They have even made fraudulent money orders and bank cashier checks. Today you can't really trust any check so you must take precautions to prevent yourself from becoming a victim. Follow the "Suggestions for Accepting Checks" located in this booklet.

If your bank returns a check to you and it indicates the check is **"COUNTERFEIT" "REFER TO MAKER", OR "NO SUCH ACCOUNT"**, start the "Bad Check File" and document all the information you can recall of the circumstances when you received the check. You do not have to try to contact the check writer yourself. Call the Police Department Records or the Investigative Aide to file a report. If the person is giving you a forged or counterfeit check in your presence, call 9-1-1 immediately. An officer will respond at once.

If the forged document is in your possession, it should be handled as little as possible and placed inside an envelope or folder to preserve any fingerprint evidence.

**"Stopped Payment" check**

If the check was returned because of a "stopped payment", you may have a civil matter that in order to collect on the debt, you will have to file a suit through civil court or use a collection agency. You can contact the DuPage Co. Victim Services Unit or the Investigative Aide for more information.

## Addendum

If it should become necessary to prosecute a person for a bad check, it is helpful to show that the offender was notified in written and verbal form or at least attempts were made. It is also essential to know who accepted the check and what property was obtained.

If you wish to receive 8 1/2" x11" copies of these letters, contact the Investigative Aide.

### **Returned Check File**

Reason Returned: \_\_\_\_\_ Account Closed \_\_\_ NSF \_\_\_\_\_ Other

Name on check: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_  
\_\_\_\_\_

Bank: \_\_\_\_\_ Check Number: \_\_\_\_\_

Amount: \_\_\_\_\_ Date on check: \_\_\_\_\_

ID Used: \_\_\_\_\_

Date/Time Accepted: \_\_\_\_\_ @ \_\_\_\_\_ AM PM

Person who accepted check \_\_\_\_\_

Property Obtained: \_\_\_\_\_  
\_\_\_\_\_

#### **OFFENDER DESCRIPTION**

SEX \_\_\_\_\_ RACE \_\_\_\_\_ Approx. Age \_\_\_\_\_ Hgt \_\_\_\_\_

Wgt \_\_\_\_\_ Hair Color \_\_\_\_\_ Facial Hair \_\_\_\_\_

Glasses or other identifying features, voice impediments, walking problems: \_\_\_\_\_  
\_\_\_\_\_

#### **FOLLOW-UP INFORMATION RECORD**

| DATE  | ACTION                | INITIALS | REMARKS |
|-------|-----------------------|----------|---------|
| _____ | Phone Call #1         | _____    | _____   |
| _____ | Letter #1             | _____    | _____   |
| _____ | Phone #2              | _____    | _____   |
| _____ | USPS Certified Letter | _____    | _____   |
| _____ | Other attempts        | _____    | _____   |

(Accept cash, cashiers check or money orders only. Do not accept partial payments or personal/business checks. If the offender does not make restitution after 30 days and the above steps have been taken, contact the Investigative Aide at the Police Department at 630-871-6213.)

# Sample Demand Letter

(Your letterhead)

Current Date:

Name:

Address:

City, State, Zip:

Dear Mr (or Mrs) \_\_\_\_\_,

We were informed that your bank did not pay your check.

REASON: \_\_\_ NSF \_\_\_ Account Closed \_\_\_ Stopped Payment

1. CHECK NUMBER:
  2. ISSUED TO:
  3. DATE OF CHECK:
  4. BANK DRAWN ON:
  5. AMOUNT OF CHECK: \$
  6. RETURNED CHECK FEE: + \$ \_\_\_\_\_
- TOTAL DUE: \$

Cash, Cashiers Check or Money Order Only. No partial payments or personal/business checks will be accepted.

This may constitute Deceptive Practice as written in the Illinois Compiled Statutes. Please resolve this matter with us within 10 business days or a formal criminal complaint may be filed at the Carol Stream Police Department.

Sincerely,

\_\_\_\_\_  
Business or name

Address

Phone:

**USPS CERTIFIED LETTER FOR NSF/BAD CHECK**

(Your letterhead)

DATE: \_\_\_\_\_

TO: (Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

Our records show that you have not responded to our letter/ telephone calls regarding your check number \_\_\_\_\_. That check was made payable to us and returned by your bank.

We are prepared to proceed to the Carol Stream Police Department and a court of law unless payment in the amount below is received within thirty (30) days of the date of this demand.

|                  |           |
|------------------|-----------|
| Amount of Check  | \$ _____. |
| Service Charge   | \$ _____. |
| Total to be Paid | \$ _____. |

Cash, Cashiers Check or Money Order Only. No partial payments or personal/business checks will be accepted.

According to the Criminal Code of Illinois, a person who issues a check and who fails to pay the amount of the check within 30 days following a written demand, shall be liable for, in addition to the amount of the check, damages of three times the amount of the check, but in no case less than \$100 nor more than \$1,500, plus attorney fees and court costs. Our court action against you will be in the amount of \$\_\_\_\_\_. Please mail or bring your payment promptly to:

Name or Business \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

You should be aware that these damages are allowed by law as a civil liability for deceptive practices and do not take the place of any criminal prosecution that may be imposed by the DuPage County States Attorney's Office.

Sincerely,

\_\_\_\_\_



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