



Florence Police Department
Florence Justice Center
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Dear Business Person:

In attempt to accomplish more successful prosecutions with regard to bad checks, the Florence Police Department has initiated the following policy. This policy is not meant to eliminate the responsibility of the Police Department, but to establish a more solid base from which to prosecute persons responsible for passing bad checks, and to eliminate check cases in which prosecution possibilities are nonexistent.

There are basically three types of bad checks:

1. Non-Sufficient Funds
2. Account Closed
3. Forged

The following recommendations are made for handling three basic types of bad checks:

I. Non-Sufficient fund check: When a check is received back from the bank marked NSF, the following steps should be taken before the check is submitted to the Police Department.

1. Attempt to contact the person that issued the check by phone, in person, or by mail, advising them that the check was returned. Although this contract with the passer does not establish official notification, it does sometimes eliminate the need to proceed further. Document all contacts with suspect by time and date. If the amount needed to cover the check is not received within 10 days, proceed with Step 2.
2. Write a letter, keeping a copy for yourself, advising the person that if the amount of check is not received within ten (10) days, the check will be turned over to the Florence Police Department for possible prosecution. Place the original in a blank white envelope with your PO Box for a return address, and have the letter sent Certified Mail, marked "Deliver to Addressee Only". Wait ten (10) days after you have received the Return Receipt of Service card from the Post Office, and then if no word is heard, fill out the Worthless Document Information Form completely and notify the Florence Police Department.

Non-Criminal option of NSF checks only: This is an option which can be used in non-sufficient fund checks for persons residing in the Florence/Mapleton area. That option is Small Claims Court. When this option is used, the following should be done:

1. Comply with steps 1 and 2 with the exception of completing the Worthless Document Information Form (optional), and notify the Florence Police Department.
2. Contact the Florence Justice Court in person with the check, know the current address of the defendant.
3. Fill out a Small Claims Form and file it.
4. Filing fee approximately \$13.00 which shall be applied to the judgment.
5. Small Claims will handle amounts up to \$500.00.

NOTE: Filing Small Claims will eliminate any possibility of future criminal action.

II. Account Closed Checks: If you receive a check back from the bank marked “Account Closed”, do the following.

1. Contact the person that issued the check by phone, in person, or by mail, and attempt to recover the amount of the check.
2. Fill out the Worthless Document Information Form completely and contact the Florence Police Department.

III. Forged Checks: In most cases a check that is forged will be returned by the bank as forged or signature irregular, indicating that the person that signed the check is other than the owner of the check. In such case, fill out a Worthless Document Information Form completely and contact the Florence Police Department.

Before initiating a worthless document investigation, the following should be noted:

1. Checks falling into the below listed categories are virtually impossible to prove and will almost never result in prosecution:
 - a. Two Party Checks
 - b. Post Dated Checks
 - c. A ‘Promise to hold for a few days’ check
 - d. A check on which payment has been stopped
 - e. Out of state checks (misdemeanors)
2. If the receiver of the check is unable to positively identify the passer of the check, prosecution is next to impossible.
3. All checks for NSF or Account Closed, individually under the amount of \$200.00 are considered by law to be a misdemeanor. Checks cannot be combined to make a felony. All forged checks are felonies regardless of the amount. All checks over \$200.00 regardless of type, are classified as felonies.
 - a. Felonies are punishable by up to five (5) years and \$2,500.00 fine
 - b. Misdemeanors are punishable by up to one (1) year and \$1,000.00 fine.
4. A signed post office receipt of delivery and a copy of the letter is needed on NSF checks prior to the acceptance of the check for prosecution.
5. The Worthless Document Information Form is not a formal criminal complaint, but only an investigative aid. Prosecution can only result after a complete investigation and approval by either the Lane County District Attorney’s office or the Florence City Attorney’s office.
6. The complainant (Owner of the store or employee who accepted the check) must be willing to sign a formal complaint and testify in court or the case will not be handled.
7. The Florence Police Department cannot collect or accept restitution on checks.
8. Partial payment on a check establishes a Contractual Agreement and negates any prosecution. The matter then has to be handled civilly.
9. Checks over 60 days past the date on the check or checks that have been turned over to a collection agency cannot be accepted for prosecution.
10. Restitution cannot be accepted on forged checks or checks over \$200.00, restitution, after the check is in custody of the Florence Police Department, must be done with the approval of the Florence Police Department, Lane County District Attorney’s office, or the Florence City Attorney’s office.
11. Filing a criminal complaint does not guarantee restitution. Restitution is ordered by the Court in most all cases, but there are times in which it is not, depending on the amount of restitution needed and the ability of the defendant to pay.

If there are questions, do not hesitate to contact the Florence Police Department.

A criminal complaint may be obtained based on the check you are turning in for investigation, therefore, the facts must be known regarding the acceptance of the check. It is important that you fill out the following form as fully as possible. Bring this form and the check to the Florence Police Department. The Florence Police Department will not collect or accept restitution on checks. If a criminal complaint cannot be obtained, the check will be placed in file or returned.

Date: _____ Date and Time Check Accepted: _____

Your Name: _____ Date of Birth: _____

Address: _____ Phone: _____

Person accepting check:

Name: _____ Date of Birth: _____

Address: _____ Phone: _____

(The below information is to be filled out only by the person accepting check)

Maker of the check:

Name: _____

Description: sex _____ age _____ height _____ weight _____ hair color _____

other: _____

Could you identify a photo of the person? Yes ____ No ____

Was the check written in your presence? Yes ____ No ____

Was the check endorsed in your presence? Yes ____ No ____

Did the person presenting the check ask you to hold the check? Yes ____ No ____

Was the check post dated? Yes ____ No ____

Did you know the person? Yes ____ No ____

What was used for identification? _____

What did the person actually get for the check?

Money (amount) _____ Merchandise (item) _____

Services (type) _____

Did the person have a vehicle? Yes ____ No ____

License _____ Make _____ Color _____

Are there any other witnesses:

Name: _____

Date of Birth: _____

Address: _____

Phone: _____

Name: _____

Date of Birth: _____

Address: _____

Phone: _____

Have you had any correspondence with the passer? Yes ____ No ____

Describe any contact since check was accepted: _____

Check returned from the bank fro the following reason:

NSF ____ account closed ____ signature irregular ____ refer to maker ____ unable to locate account ____

Please list any additional information you may have regarding this check below: _____
