

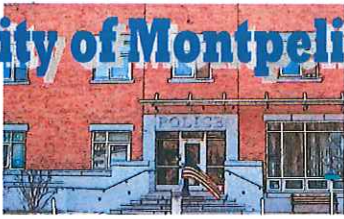
Anthony J. Facos
Chief of Police



Bad Check Investigation Requirements

The Montpelier Police Department will accept all bad check cases turned over for investigation. However, due to increased demands for Department resources, in the cases where checks do not meet the following criteria they will simply be documented and filed for future use and no further investigation will be conducted.

1. The check must be issued as legal tender for service(s) or merchandise in Montpelier.
2. The check must be returned by the bank as unpaid: insufficient funds, closed account, etc.
3. Insufficient funds (NSF) of closed account checks must be at least \$500.00.
4. Multiple checks (issued by the same issuer/maker) where the collective amount meets the minimum requirement will be investigated.
5. The check (s) must have been submitted for payment not more than 30 days after the date of issuance.
6. The check must be received by the police department no later than ninety (90) days after it was issued.
7. The complainant must make a reasonable attempt to contact the issuer/maker and apprise him/her of the situation. A letter should be mailed to the issuer/maker via U.S.P. S., First Class delivery. The letter must outline the law in Vermont regarding bad checks. A copy of the letter, in its entirety, should accompany the bad check and other documentation when it is submitted to the police department for investigation.
8. The person who accepted the check must be able to identify the issuer/maker.
9. The check may not have been post-dated.
10. The check may not have been issued to cover a pre-existing debt.
11. The check was passed in person, not received through the mail.
12. No check will be accepted for investigation where partial payment has been accepted.
13. No check will be investigated where the complainant took and held the check at the request of the issuer/maker for a period of time, before it was presented to the bank.
14. No check will be investigated where it is marked "payment stopped" unless the issuer received cash or the check was drawn on a non-existent account (counterfeit).
15. No two-party checks will be investigated (i.e., written payable to one person who in turn endorsed it to the complainant).
16. All forged checks accompanied by an affidavit of forgery will be investigated.
17. A Montpelier Police Department bad check information sheet must be completed by the complainant.
18. The complainant must provide a copy of any receipt, invoice or other document that shows a description of the purchased item(s) and/or service(s) rendered, along with the date.



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Bad Check Information Sheet

Vermont Law on Insufficient Fund Checks: Title 13 V.S.A 2022

Business/person (victim): _____

Address: _____ Telephone: () _____

Reported by: _____

Date check received: ___ / ___ / ___

Check accepted by: _____ Telephone: () _____

Can this person identify the person who issued the check: Yes _____ No _____

Name of the person who issued the check: _____

Address: _____ Telephone: () _____

Description of person: _____

Age: _____ Height: _____ Weight: _____ Hair: _____ Eyes: _____ Glasses: _____

Scars/Marks/Tattoos: _____

Identification used: _____
(i.e., driver's license, courtesy card, social security card, other ID)

Reason check was returned: _____
(i.e., insufficient funds, no account, account closed, forgery, other)

First Class letter requesting payment was sent to issuer on: ___ / ___ / ___

The following attempts to collect on the check have been made: _____

As of ___ / ___ / ___, payment has not been received nor has the issuer/maker made any attempts to pay off the debt.

Date: ___ / ___ / ___ Signature of complainant: _____

FOR POLICE USE ONLY:

Received at Montpelier Police ___ / ___ / ___ by _____

Case Number: _____ Assigned Officer: _____

Bad Check Letter

To: _____

Date: _____

Dear: _____

The check you presented to us, drawn on _____,
(name of bank)

as payment for merchandise or services purchased on _____, in the amount of
(date)

\$ _____, has been returned by the bank due to _____.
(reason for return)

The check is described as follows:

Check Number: _____

Check Date: _____

Account: _____

Pursuant to Vermont Law, Title 13 Vermont Statutes Annotated, Section 2022:

“A person who issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee, shall be imprisoned for not more than one year or fined not more than \$1,000.00 or both . . . For the purposes of this section, it may be inferred that the issuer knew that the check or order, other than a post-dated check or order, would not be paid if:

- (1) the issuer had no account with the drawee at the time the check or order was issued; or
- (2) the issuer had insufficient funds with the drawee at the time the check or order was issued or presented for payment, and,
 - (A) the check or order was presented to the drawee for payment not more than 30 days after the date of issuance; and,
 - (B) payment was refused by the drawee for reasons other than seizure or attachment of the issuer's funds by order of a court or authorized governmental agency; and
 - (C) the issuer or a person acting in his or her behalf failed to make full satisfaction of the amount of the check or order within 10 days after receiving notice of its dishonor by the drawee.”

You are hereby notified of this nonpayment and are requested to make full satisfaction of the amount of the check within ten (10) days of receipt of this letter. Failure to make payment of the check within ten (10) days will cause us to refer this matter to the Montpelier Police Department.

Sincerely,