

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE November 22, 2022	EFFECTIVE DATE November 22, 2022	No. 037-22
SUBJECT: GENERAL ORDER Bad Check Complaints		Distribution Police Bureau Personnel	Amends
REFERENCE:			RESCINDS 037-19

Purpose: To establish a uniform procedure for the Monroe County Sheriff's Office (MCSO) regarding the processing of bad check complaints in the towns and villages of Monroe County.

Policy: Members will adhere to the countywide uniform procedure promulgated by the Monroe County District Attorney's Office when processing bad check complaints.

* **I. Bad Check Complaint Procedures**

The complainant will first be advised to initiate the following process:

- A. Notification to the individual issuing the check, advising that the check has been returned by the bank. This notification may be accomplished by telephone or mail.
- B. Confirm identity and date/time of contact in case needed later in process.
- C. If payment or other acceptable resolution is not forthcoming, the complainant must then protest the check. The protest should occur no later than thirty (30) days after the check is issued.
- D. A certified or registered letter should be sent to the individual issuing the check, advising of the protest. The letter should be sent on the same day that the check is protested.
- E. Ten (10) days should be allowed for receipt of payment.
- F. If payment is still not received, a formal complaint should then be initiated with the MCSO. A Standardized Incident Report (SIR), signed Information, and Supporting Deposition will then be completed and prosecution will subsequently commence.

II. Procedures for Answering Complaints

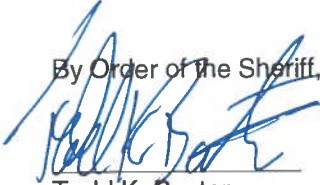
Members responding to calls regarding bad checks shall adhere to the following procedures:

- A. Complainants will be advised that the above referenced process must be completed before criminal charges can be initiated. The complainant shall be provided with copies of Addendums I and II, if necessary.
- B. When procedures in **Section I, (A-F)** have been completed, a Standardized Incident Report (SIR), signed information and Supporting Disposition will be completed. The Supporting Deposition must verify that a photo identification of the suspect was made at the time the check was accepted, based on DMV driver's license or non-driver's license or non-driver ID card. Photocopies of the bad check, protest form, letter and return receipt will be attached to the information. The complainant will retain custody of the original documents. The Central

Records Unit will forward the information, supporting deposition and photocopies to the appropriate court for issuance of a warrant.

- C. No postdated, stop payment or partial payment checks will be accepted for criminal prosecution.
- D. Charges should be filed within six (6) months of the date that the check is issued.
- E. Following the filing of criminal charges, payment will not be accepted by the complainant. Payment will be directed through the appropriate court.
- F. When a particular check writer is writing a considerable number of checks, or is believed to have fled this jurisdiction, the Economic Crimes Unit or the District Attorney's Economic Crime Unit should be contacted for authorization to waive the registered letter and ten (10) day delay procedure.

By Order of the Sheriff,



Todd K. Baxter

* Indicates a change from the previous order.

Addendum I – Basic procedures to be followed in Bad Check Complaint.

Addendum II – Sample letter.

Addendum I

Basic procedures to be followed in a Bad Check complaint:

1. Notify the individual issuing the check that the check has been returned by the bank. (This may be accomplished by telephone or mail.)
2. If payment is not forthcoming, protest the check.
3. Send a certified or registered letter to the individual issuing the check stating that the check was protested. (Sample letter attached should be sent for notification.)
4. Wait ten (10) days for payment.
- * 5. If payment has not been received a complaint will be taken by the Sheriff's Office.

The following information/documentation must be made available by you during the outlined procedure.

1. A photocopy of the actual letter sent to the individual issuing the bad check.
2. A photocopy of the certified/registered mail return receipt.
3. A photocopy of the protest form.
4. A photocopy of the check.

Once charges are filed, do not accept payment for the check from the defendant. All payments will be made through the court at the time of the disposition of criminal charges.
Additionally, do not withdraw charges.

Addendum II
Sample Letter

Date:

Dear: _____

You have written the following check(s) (at our store) (to me) and (it has) (they have) been returned (to us) (to me) for the indicated reason:

Check #	Check Date	Amount	Bank	Reason for Return
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Please take note that issuing a bad check is a crime under the New York State Penal Law, Section 190.05. If you are convicted, you may face up to three months imprisonment and up to \$500.00 in fines.

(We) (I) must insist that you make restitution to (us) (me) for the above mentioned check(s) immediately. If you do not pay (us) (me) within ten (10) days of the date of this letter, (we) (I) will have no choice but to file a criminal complaint against you. An arrest warrant will be issued by the court and it will be served upon you.

(We) (I) urge you, therefore, not to delay in paying (us) (me). Once criminal charges are filed, (we) (I) will not withdraw the charges.

Sincerely,

If you have any questions, please contact _____ at _____.