



**BUTTE-SILVER BOW
LAW ENFORCEMENT DEPARTMENT
PROCEDURES FOR INVESTIGATION/PROSECUTION
BAD CHECKS – FORGERY – DECEPTIVE PRACTICES**

Dear Citizen/Business Owner/Operator:

The following procedures for accepting reports regarding **BAD CHECKS (NSF/Closed Accounts)** and **FORGERY/DECEPTIVE PRACTICES** from private persons or businesses were arrived at in a cooperative effort between the Butte-Silver Bow Law Enforcement Department (LED) and the Butte-Silver Bow County Attorney's Office. These procedures must be followed or the complaint will not be investigated or prosecuted.

Prevention/Protection:

- Obtain accurate information
- Full name, address (remember, no one lives in a P.O. Box), and telephone number
- Driver's license number and birth date
- See a valid driver's license, preferably a Montana one
- Witness the signing of the check and initial it
- If you accept credit cards, verify the identity of the cardholder in comparison to the author

NOTE: All these are necessary to not only obtain payment, but also because the person who takes the check may be called as a witness in a subsequent trial

NEVER Accept:

- Post-dated checks
- Two-party checks
- Checks having no number
- Checks to be held until later
- Never accept a credit card transaction from an unidentified party
- Checks in excess of the amount of purchase unless within your organization's set limit
- Out-of-state checks
- Counter checks
- Checks not signed in your presence
- Checks in restitution for bad checks

Prosecution:

1. When a Check is Returned for Non-Sufficient Funds (NSF):

- Send written notice by certified mail, return receipt, to the writer of the check to establish evidence that the writer knew he/she wrote a bad check.
- If restitution is not received by you within 5 days, complete a *Bad Check Prosecution Request* form.
- For each check, complete a form. Attach the check and the green card from your certified mail. Bring this to the LED to speak with an officer and file a police report.

2. When a Check is Returned Marked Account Closed:

- When a check is drawn on a bank in which the maker has no account or the account was closed, it shall be presumed that such check was issued with intent to defraud and the letter requirement above is not necessary. Complete a *Bad Check Prosecution Request* form for each check and attach the check to the form. Bring this to the LED to speak with an officer and file a police report.

3. When a Check is Returned Marked *Forgery* or *Irregular Signature*, or a Credit Card Not Honored Due to Unauthorized User:

- For each check, complete a *Forgery Investigation* form and attach the check to the form. Bring this to the LED to speak with an officer and file a police report.
- *If a credit card transaction was dishonored:* for each transaction, complete a *Forgery Investigation* form and attach any related documents to the form. Bring this to the LED to speak with an officer and file a police report.

The County Attorney's Office Cannot/Will Not Prosecute:

- Checks that have no identification, because we cannot obtain an arrest warrant without a reliable form of identification
- Post-dated checks
- Second-party checks
- Single checks for small amounts (under \$50). Because we may have received other checks by the same writer, send checks over \$10 and the LED will determine whether there are any other complaints concerning the suspect or account.
- Checks beyond the statute of limitations:
 - (one year for a misdemeanor/under \$1,500)
 - (five years for a felony/any amount over \$1,500)
- Misdemeanor amounts outside of Montana
- Forgeries, until law enforcement completes an investigation
- Checks older than 90 days

Bad checks, forgeries, and credit card fraud are an expensive and time-consuming problem. We hope the above measures will assist you in helping us reduce bad checks, forgeries, and credit card fraud. We are all concerned with the number and dollar amounts of fraud occurring in the Butte-Silver Bow area. A major part of this can be avoided by taking the necessary precautions and educating your employees in the policies listed above. Hopefully, with continued cooperation between Butte-Silver Bow merchants, LED, and the Butte-Silver Bow County Attorney's Office, we can reduce these types of crime.

To obtain copies of the *Bad Check Prosecution Request* or *Forgery Investigation* Report forms, contact Captain Doug Conway, 497-1123. Permission is granted to merchants who prefer to make copies of the forms for future use.