Dear Businessperson:

The local court system has made it more and more difficult for the Chillicothe Police Department to prosecute and convict persons for passing bad checks. In effect, the system has turned our detectives into collection agents instead of law enforcement officers in regards to this crime.

Therefore, effective October 1, 1998, Chillicothe Police Officers, while working on city time, will not be accepting checks returned to businesses due to insufficient funds or account closed unless the checks are returned as stolen, forged, or are felony bad checks over one thousand dollars ($1000). Felony bad checks will be handled by the detective division Mondays through Fridays from 8am to 4pm.

It is suggested that businesses who receive bad checks for insufficient funds or account closed less than $1000 do one of the following:

1.
   A. Send the check through the bank for payment again.
   B. If returned again, send a letter by certified mail to the check writer requesting resolution within ten (10) days of receipt of letter (required by law to successfully prosecute later).
   C. If green certified mail receipt card is received signed by the check writer, keep that as evidence of notice receipt and proceed to step E below.
   D. If letter comes back undelivered, send out another letter through regular mail marked ADDRESS CORRECTION REQUESTED on the front and note the date of mailing.
   E. If check writer does not respond within ten (10) days, a store representative must make an appointment with the City Law Director's office to institute prosecution.
   F. A store representative would then obtain proper papers from the Law Director's staff to take to the Clerk of Municipal Court where a criminal complaint would be filed and signed by the store representative.
   G. The store representative would then go before the Municipal Court Judge for a brief probable cause showing in the courtroom after which an arrest warrant or summons would be issued to the Police or Sheriff for service on the check writer.
   H. The filing store representative would then be notified once the court appearance date is known when to appear for the check writer's arraignment.
      a. If the check writer pleads "guilty" or "no contest" the court would look to the store representative to state the facts of the crime to prove the crime and that the person charged was indeed the person responsible.
      b. If the check writer pleads "not guilty" or requests time to obtain an attorney, the store representative would be required to appear for all subsequent pre-trial conferences, motion hearings, and final trial before the judge or jury.

      c.   If the check writer were acquitted, court costs would be assessed against the person filing the charge on the private complaint. Same holds true if the check writer pays off the bad check during the course of the proceedings and the charge is dismissed by the complaining party.

2.   Contract with an off-duty Police Officer or other person to handle the collection and/or prosecution for passing bad checks. Such services would be at your expense.

The Chillicothe Police Detective Bureau will continue to investigate and prosecute stolen and/or forged check cases and felony bad check cases: however, you are urged to seek better conclusive identification from check writers and require them to sign or endorse the check in your presence even if it means doing so a second time on a previously signed check.

Also, businesses may continue to telephone bad check writers to attempt to collect on the bad checks; however, this procedure has no bearing in the prosecution of the check writer.

I apologize for any inconvenience this policy creates for businesses, but the Chillicothe Police Detectives can no longer afford to spend their time handling these generally non-prosecuted cases when their services are needed for prosecutable matters.

Sincerely,

Keith A. Washburn