

Stoneham Police Department

Criminal Investigations Division

Bad Check Form



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- 1) The check must have been received or negotiated in the Town of Stoneham.
- 2) In order to pursue criminal charges for a bad check, you cannot accept any form of partial restitution from the party who wrote the check.
- 3) The check must have been returned to you from the bank with “Account Closed”, “Insufficient Funds”, “No Account” or other similar notations. “Stop Payment” checks are generally civil, however they can be looked at on a case by case basis where fraud can be shown.
- 4) You must be able to show how you identified the check writer, or the person must be personally known to you (be prepared to give a written statement identifying the person who issued the check).
- 5) Make copies of all paperwork for your records be sure to include the front and back of the check(s).

You will need to do the following before filing a complaint with the police department:

- 1) Upon return of a check stamped “Insufficient Funds”, a certified letter with a return receipt request should be sent to the last known address of the check passer (this is usually the same address as on the check).
- 2) The letter should demand repayment within thirty (30) business days of receipt. See MGL Chapter 93 Section 40A for a free ‘demand letter’ and detailed instructions. www.malegislature.gov
- 3) Provide a copy of the front and back of the check.
- 4) Provide documentation from your bank showing the check was returned and the reason.
- 5) **If a partial payment has been accepted, this is not prosecutable and is a civil matter.**

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6) Upon return of the unclaimed letter, or the signed receipt and expiration of the 30-day period, and payment has not been made, come to the station and file a report.

Please provide the following when filing a complaint with the police department (keep copies for your own records):

- 1) Bring positive identification.
- 2) Copy of the front and back of the original check, or bank copy.
- 3) Copy of the certified letter sent.
- 4) Certified mail and return receipt (green card returned by the post office).
- 5) The actual certified mail, if returned unclaimed.
- 6) Any other documentation, including the original transaction/receipt if available.
- 7) Any information as to the whereabouts of the check writer.

A police officer will file an initial report which will be reviewed by detectives for potential follow up and prosecution.