

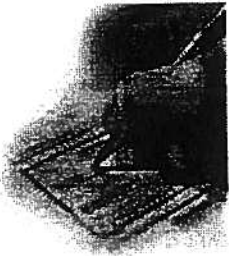
Elk Grove Village Police Department



NON-SUFFICIENT
FUNDS



Procedures for Fraudulent Checks



ACCOUNT
CLOSED



CHECK FRAUD POLICY - ELK GROVE VILLAGE POLICE DEPARTMENT

- 1) If the check is "N.S.F." and the amount is less than \$50, or is "stop payment", you can contact a collection agency or the Cook County Civil Department (see attachment entitled, "Civil Liability for Deceptive Practices"). No police report will be taken on either incident.
- 2) If the check is returned as a forgery and the check was delivered for payment in Elk Grove Village, contact the Elk Grove Village Police Department at 9-1-1 (emergency number), and a patrol unit will be dispatched to your location to make a report. The incident then will be assigned to an investigator for follow-up. When making the report with the patrol officer, you will need to supply the original check and a completed Data Sheet (copy of form is attached). Please attempt to handle the check as little as possible.
- 3) If the main and only concern is restitution, contact a collection agency or go through the Cook County Civil Department.
- 4) If you intend to prosecute, you must be willing to go to court each time the case is called. The check amount must be \$50 or more. If the check has been returned "N.S.F." for the second time (after being submitted no less than seven days apart), or is "Closed Account", the following procedure is applicable:
 - a. Fill out Data Sheet (copy attached).
 - b. Attempt to obtain restitution by making phone contact. You should make at least three phone calls documenting the date and who made the call on the Data Sheet. If this is not successful, move on the Step c.
 - c. Send a "first notice" written demand letter (copy attached) by certified mail with a return receipt and by regular delivery mail to the last known address of the person who issued you the check. Allow ten days from mailing those first written demand letters to allow for delivery by the post office. After the ten-day period, mail written "final notices" via certified mail and regular delivery mail to the last-known address of the person who issued the check. If this is not successful, move on to Step d. (The attached copies may be used, or you may use these as a guide for letter content.)
 - d. Contact the Elk Grove Village Police Department, Investigation Section, at (847) 357-4160 to set up an appointment to file a report. When coming in to make the report you will have to bring:
 1. Original Check (handled as little as possible).
 2. Completed Data Sheet
 3. Certified Post Office Receipts indicating who signed for the registered letters. If the letters are returned as "refused delivery", or not delivered by the post office, please bring those with you when you see the investigator handling your case.

4. Any other additional paperwork you may have (billing receipts, etc.).

After the investigator has taken the report he will attempt to contact the offender and resolve the problem.

If the offender is not located or unable or unwilling to cooperate and a criminal charge can be proven, you will be required to sign a complaint in court. You will have to be available for all court dates. After signing a complaint, the only place you may accept restitution is in court or through the court system.

The Elk Grove Village Police Department cannot act as a collection agency for these incidents. Only contact the police if you are willing to prosecute the offender and go to court.

NOTE: If at any time you make an agreement with the customer, or accept partial restitution, you have extended credit and it is now considered a civil matter. No police action can be taken.

Samples of cases that can be investigated by the Elk Grove Village Police Department:

Example: An individual comes to your business located in Elk Grove Village and issues a check for the purchase of supplies or for repair work done, and he issues the check to you at the time the property is being released to him.

The check is submitted to your bank but returned as "N.S.F.". You must wait seven (7) days before resubmitting the check to your bank a second time. If the check is again marked "N.S.F." a second time, or "ACCOUNT NOW CLOSED", follow the instructions in the preceding pages.

The following are examples of cases which are not criminal in nature and cannot be investigated by Elk Grove Village Police Department:

Example: An individual comes to your business and picks up newly-purchased items or items in for repair and is told to mail a check to your company or states he will mail the check to your company.

If you release the property to him without payment, you have just extended him credit and this is not a criminal offense. This cannot be investigated by the Elk Grove Village Police Department.

Example: Your company does mail order business or similar-type business where a customer calls in an order and your company ships it out to the customer expecting to receive a check in the mail. If the check you later receive comes back "N.S.F." or "ACCOUNT CLOSED", this is a civil matter because you have extended credit to the customer.

The above examples are only a few of the variations that could possibly occur. If you have any questions as to whether your particular case is a criminal matter that can be investigated by the police department or is a civil matter, please call the Investigations Section at (847) 357-4160.

CIVIL LIABILITY FOR DECEPTIVE PRACTICES

(Illinois Revised Statutes, Section 17-1a)

In 1984, a new amendment to the Illinois Criminal Code was enacted into law which provides for greater civil liability for deceptive practices (bad checks).

Under the new law anyone receiving a bad check can sue the person passing the check for the amount of the check and can sue for damages three times the amount of the bad check (from a minimum of \$100 to a maximum of \$500). In addition, the damaged individual (the person or business to whom the check was written) can sue for his or her attorney's fees and court costs.

The new law gives the person passing the bad check an incentive to make the check good without time consuming and expensive litigation. Under the law, after a civil case is filed against the maker of the check and before a hearing, the plaintiff (the party to whom the check was written) must accept payment from the defendant (writer of the bad check) in the amount equal to the bad check, plus court costs and attorney's fees. By settling the case the defendant can avoid paying the damages of three times the check's amount.

The above method of action can be accomplished by contacting, in person, Cook County Circuit Court's Civil Department 2121 Euclid Avenue, Rolling Meadows, Illinois 60008. No telephone calls will be accepted.

Attachment to:

ELK GROVE VILLAGE POLICE DEPARTMENT CHECK FRAUD POLICY

**PLEASE COPY THE ENCLOSED FORMS
FOR YOUR CONTINUED USE**

DATA SHEET

PRIOR TO THE ELK GROVE VILLAGE POLICE DEPARTMENT PURSUING A CHECK FRAUD COMPLAINT, THE FOLLOWING INFORMATION MUST BE COMPLETED. ONE DATA SHEET MUST BE COMPLETED FOR EACH CHECK.

1) Offender's Full Name: _____
 First Middle Last

2) Address: _____
 No./Street City/State/Zip Code

3) Phone Number: () _____ () _____
 Home Work

IL Driver's License: _____ Birthdate: _____

4) Description of offender: Sex _____ Race _____ Hair Color _____
 Weight _____ Height _____ Age _____

5) Amount of Check: _____ (must be \$50 or more to file a police report)

6) Dates Check Submitted to Bank: #1 _____
(No less than 7 days apart)
 #2 _____

7) Name and Phone Number of Person Who Can Identify Offender:

Name: _____ Phone: _____

Sex _____ Race: _____ Birthdate: _____

8) COMPLAINANT CONTACTS WITH OFFENDER:

Date: _____ Result: _____

Date: _____ Result: _____

Date: _____ Result: _____

9) Who Will Sign Criminal Complaint? Name: _____

Title: _____

10) Offender's Vehicle Information, Make: _____ Model: _____
if known: Style: _____ Color: _____
License Plate #/State _____

11) What Was Purchased? _____

12) Additional Information or comments (Use reverse side, if necessary):

CERTIFIED MAIL

(Date)

(Company Name)

(Company Address)

ELK GROVE VILLAGE, IL 60007

(Customer Name)

(Customer Address)

(City/State/Zip Code)

Dear Customer:

On _____, you issued us your check number _____ in the amount of \$ _____, drawn on the _____ Bank.

The bank has returned your check to us marked:

_____ Account Closed _____ Non-Sufficient Funds

This is to serve as a reminder that we must hear from you within seven (7) days as to disposition.

Any additional information need may be obtained by calling _____.
(Company Name)

Sincerely,

CERTIFIED MAIL

Date of First Letter: _____

THIS IS YOUR FINAL WRITTEN NOTICE!

(Date)

(Company Name)

(Company Address)

ELK GROVE VILLAGE, IL 60007

(Customer Name)

(Customer Address)

(City/State/Zip Code)

Dear Customer:

On _____, you issued us your check number _____ in the amount of \$ _____, drawn on the _____ Bank.

The bank has returned your check to us marked:

_____ Account Closed _____ Non-Sufficient Funds

WILL YOU PLEASE GIVE THIS MATTER YOUR IMMEDIATE ATTENTION!

We hereby notify you that the negotiation of a bank check with the intent to defraud is a violation of the Deceptive Practice Law, 720 ILCS Section 5/17-1.

IF IMMEDIATE ACTION IS NOT TAKEN THIS MATTER WILL BE TURNED OVER TO THE ELK GROVE VILLAGE POLICE DEPARTMENT FOR PROSECUTION.

Sincerely,