

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1407.1, WORTHLESS CHECK INVESTIGATIONS**

EFFECTIVE:	08/16/05
RESCINDS:	1407.0
DISTRIBUTION:	ALL EMPLOYEES
REVIEW RESPONSIBILITY:	PROPERTY SECTION COMMANDER
ACCREDITATION CHAPTERS:	15
CHIEF OF POLICE:	JOHN W. MINA

CONTENTS

1. DEFINITIONS
2. POLICY EXCEPTIONS
3. REPORTING WORTHLESS CHECK CASES
4. ASSIGNED DETECTIVE'S INVESTIGATIVE RESPONSIBILITIES

POLICY: It is the policy of OPD to conduct investigations of all reported worthless check cases occurring within the City limits of Orlando in which the amount of the check is equivalent to or exceeds \$150.

This directive assigns responsibility and outlines procedures for all Orlando Police Department (OPD) personnel to follow in order to effectively investigate worthless check cases.

1. DEFINITIONS

Debit Card: A card, code, or other device other than a check, draft, or similar paper instrument by the use of which a person may order, instruct, or authorize a financial institution to debit a demand deposit, savings deposit, or other asset account.

Stop Payment Checks: An instrument, as previously defined under worthless check, presented in exchange for goods or services when payment has been stopped after those goods or services are attained.

Worthless Check: Any check, draft, or other written order on any bank or depository or debit card for the payment of money or its equivalent when the issuer has knowledge at the time of the drawing, making, uttering, issuing, or delivering such instrument that there are not sufficient funds on deposit to honor such check, draft, or other written order or debit card.

2. POLICY EXCEPTIONS

Per agreement with the state attorney, the following exceptions apply:

- a. A worthless check, no matter the amount, presented to any bank or depository with intent to defraud is a felony and will be processed the same as a forged instrument.
- b. When the payee knows, has been expressly notified or has reason to believe that the drawer does not have on deposit sufficient funds, or to his/her credit funds, to ensure payment thereof at the time of occurrence, then the worthless check, no matter the amount, cannot be prosecuted and will not be processed by OPD.
- c. Worthless checks that are postdated, no matter the amount, cannot be prosecuted and will not be processed by OPD.

3. REPORTING WORTHLESS CHECK CASES

Procedures for reporting a worthless check incident:

- a. Upon receiving a complaint of a worthless check equivalent to \$150 or greater issued within the City limits of Orlando, the affected employee shall direct the complainant/victim to report to the Information Desk in order to receive a worthless check packet, or obtain the packet on the City of Orlando website. The worthless check packet consists of the following:
 1. Manila envelope stamped "WORTHLESS CHECK PACKET"
 2. Instruction sheet
 3. Tri-fold pamphlet advising the complainant/victim of the nuances involved in conducting a worthless check investigation and other options available to the complainant/victim
 4. Worthless check affidavit
 5. Witness statement form
 6. Clear plastic envelope in which the worthless check should be contained
 7. Sample Worthless Check demand letter
- b. Should the complainant/victim not be able to respond to the Information Desk in order to pick up a worthless check packet, he/she should be instructed to visit OPD's website (www.cityoforlando.net/police) so that they can download the packet's forms. If the complainant/victim does not have Internet access, they should contact the Economic Crime Unit (ECU) in order to make other arrangements to receive the worthless check packet.
- c. The complainant/victim will be instructed to complete the packet and return it in person or via the mail to this Agency.
- d. The submitted packet will be forwarded to the Economic Crimes Unit supervisor for assignment to a detective.

4. ASSIGNED DETECTIVE'S INVESTIGATIVE RESPONSIBILITIES

The assigned detective has the following investigative responsibilities:

- a. Ensure the package is complete and meets criteria for investigation and prosecution. If the package is incomplete or does not meet prosecutorial standards, the assigned detective will prepare a Worthless Check Packet Return letter explaining the reason for return. The letter must be signed by the Section Commander. The detective will then return the entire packet to the victim/complainant.
- b. If the packet is complete, obtain a case number and generate an Incident Report.
- c. Send an Orlando Police Department 30-day courtesy letter to the accused.
- d. Order and print all driver's license images issued to the accused.
- e. If the accused does not comply or the letter is returned as undeliverable, request an Investigative Subpoena from the State Attorney's Office.
- f. Once the subpoena is received from the State Attorney's Office, serve it in person or via the mail.
- g. Once probable cause can be established, the case file will be forwarded to the State Attorney's Office as an INACTIVE PENDING ARREST or CLEARED BY ARREST after receipt of the following documents.
 1. Sworn OPD statement
 2. Sworn worthless check affidavit
 3. Original check
 4. Certified U.S. postal green card
 5. Copy of victim's letter of notification

6. Copy of OPD 30-day letter
 7. Bank records
 8. Driver's license images
 9. Charging Affidavit
 10. Recovering Cost of Investigation forms
- h. Compliance of the accused will result in a \$25 fee to cover the cost of the investigation. The \$25 money order will be delivered to the Orlando Police Department's Fiscal Management Section by the assigned detective. Fiscal Management will issue a receipt to be maintained in the case file. Nonpayment of the \$25 processing fee will be documented without further action.

ATTACHMENT A

Case Number

ORLANDO POLICE DEPARTMENT
WORTHLESS CHECK AFFIDAVIT

Please type or print legibly

Full name of check writer _____ Sex _____ Race _____
Date of Birth ____/____/____ Height _____ Weight _____ Hair _____ Eyes _____
Social Security # _____ - _____ - _____ Driver's License # _____ State _____
Address _____ City _____ State _____ Zip _____
Business Address _____ City _____ State _____ Zip _____
Home Phone (____) _____ Business Phone (____) _____ Employer _____

I received check # _____ for \$ _____, on ____/____/____ at
_____ in Orange County, FL dated ____/____/____
(Address where received)

made payable to _____ and drawn on the account
of _____, account # _____ at _____ Bank for:
Payment on Account/Debt Rent Wages Cash Merchandise or Services

(explain) _____

and was returned for the following reason: Non-Sufficient funds Account Closed
No Account Stop Payment Uncollected funds Refer to Maker

- 1. Was the date written on the check for a date after the day the check was delivered? (Postdated)..... Yes No
- 2. Were you asked to hold or delay deposit or did you have reason to believe there were no funds?..... Yes No
- 3. Have you received a bad check from this person before? If yes, how many times?..... Yes No
- 4. Did you deliver property (merchandise) when the check was delivered to you?..... Yes No
- 5. If the check was for services, were the services given after the check was delivered?..... Yes No
- 6. Did check writer deliver the check personally? If no, and not received by mail, give the name
and address of person on the back of this form who delivered the check..... Yes No
- 7. Was the check sent by mail?..... Yes No
- 8. Did check writer sign an order or contract for which the mailed check was payment? If yes, attach..... Yes No
- 9. Did you see the check writer write or sign the check?..... Yes No
- 10. Did you initial the check when accepting the check?..... Yes No
- 11. Can you identify the check writer from memory?..... Yes No
- 12. Was the Driver's License #, state ID #, or check-cashing card # recorded on the check when it was
received? Attach copy of any check-cashing card, and if a copy was made, copy of the DL or ID..... Yes No
- 13. Did you determine that the photo on the DL or ID was the same person who signed the check?..... Yes No
- 14. Were all 8 points of ID from FSS 832.07 (2) (b) (2) recorded on the check when it was received?..... Yes No
- 15. Is there another way of proving who wrote the check? If yes, describe in an attached statement..... Yes No
- 16. Was a certified letter mailed to the check writer?..... Yes No
If yes, attach a copy of the letter, green postcard Form 3811. If returned, attach the envelope and letter.
- 17. Do you have proof that the check writer was engaged in a scheme to defraud beyond the fact that
there were insufficient funds in the account or that the account was closed?..... Yes No
If yes, attach a sworn notarized statement explaining this proof in detail.
- 18. I will testify in court and prosecute criminally..... Yes No

PERSON WHO ACCEPTED THIS CHECK

Name _____ Sex ____ Race ____ Date of Birth ____/____/____
Address _____ City _____ State _____ Zip _____
Business Name _____ Business. Phone (____) _____
Business Address _____ City _____ State _____ Zip _____
Home Phone (____) _____
Name of Relative _____ Home Phone (____) _____
Address _____ City _____ State _____ Zip _____

NAME OF VICTIM

Name _____ Sex ____ Race ____ Date of Birth ____/____/____
Address _____ City _____ State _____ Zip _____
Business Name _____ Business Phone (____) _____
Business Address _____ City _____ State _____ Zip _____
Home Phone (____) _____

NAME OF OTHER WITNESS

Name _____ Sex ____ Race ____ Date of Birth ____/____/____
Address _____ City _____ State _____ Zip _____
Business Name _____ Business Phone (____) _____
Business Address _____ City _____ State _____ Zip _____
Home Phone (____) _____

**Name of the CUSTODIAN OF BUSINESS RECORDS
(If someone other than the person who received the check)**

Name _____ Title _____
Business Name _____ Business Phone (____) _____
Business Address _____ City _____ State _____ Zip _____

I DO SOLEMNLY SWEAR or affirm that a person giving the above identifying information did draw, make, utter, issued, or delivered TO ME a worthless check, the original of which is submitted with this affidavit, and that the other statements herein are true and correct.

Signature of the person who received the check

Sworn to and subscribed before me this ____ day of _____, 200__

<NOTARY'S STAMP

Personally Known or Produced Identification Type of Identification Produced _____