

April 29, 2008

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

Index as:

Bad Check Cases

Check Cases

Counterfeit

Worthless Documents

WORTHLESS DOCUMENTS & CHECK CASES

439.00 PURPOSE

The purpose of this General Order is to establish the procedure for the acceptance of Worthless Documents cases and to establish procedures for the proper investigation of Worthless Document reports.

439.01 TYPES OF WORTHLESS DOCUMENTS

- A. Worthless document reports include counterfeit checks, forgery, no account, stop payment, and insufficient funds checks.
- B. Forgery, no account checks, counterfeit checks, stop-payment checks over \$500 and insufficient funds checks over \$500 are felony violations.
- C. Stop payment and insufficient funds checks under \$500 are misdemeanor violations. Insufficient funds checks under \$150 may be referred to our municipal court.

439.02 REPORTING PROCEDURE:

- A. When a citizen makes a complaint of a worthless document by telephone, the receiver of the call will determine if a suspect is at or near the scene. If so, a patrol car will be dispatched to the scene immediately, and the patrol officer will make the investigation and prepare the report.
- B. If an arrest is made relative to any type of fraudulent criminal activity the Division of Operational Support should be immediately notified in case additional active cases may exist.

439.03 INVESTIGATIVE PROCEDURE

- A. All worthless documents must be processed through the bank and stamped by the bank in order to provide sufficient evidence to make a bad check case.

- B. The Prosecuting Attorney's office does not require that 10-day letters be sent on counterfeit checks or forgeries.
- C. Banks generally require their client or victim to sign an affidavit of forgery in cases involving forgeries. Officers should attempt to obtain a copy of this affidavit from the bank or victim.
- D. The Prosecuting Attorney's office does require that a 10-day letter be sent on insufficient funds, account closed, no account, or stop-payment check violations, prior to completions of the report. Victims obtain 10-day letter forms from the Prosecuting Attorney's office in Clayton.
 - 1. No 10-day letter is required from the Prosecuting Attorney's office on stop-payment checks, however, a registered letter must be sent by the victim stating that criminal prosecution may occur if payment is not received.
 - 2. Worthless document reports requiring a 10-day letter should not be completed until 10 full days have expired with no response from the suspect.
- E. The officer taking the initial police report will be responsible for contacting the appropriate bank in order to verify whether the account was insufficient at the time the check was written, or if the account was closed and if so, the date the account was closed and by whom, the bank or the account holder.
- F. The officer should attempt to seize as evidence in all worthless document investigations the original copies of all checks and 10-day letters. These originals should be packaged as evidence, and the photocopies attached to the report.
 - 1. If the victim refuses to surrender the original documents, they should be advised to contact a collection agency or handle civilly due to the fact that the check is evidence and will be needed for prosecution. The officer will make (or obtain from the victim) copies of the required documents and attach them to his report.
 - 2. The fact that a victim refused to surrender the original document should be reflected in the officer's report, and the officer will advise the victim to retain the originals until disposition of the case.
 - 3. All original copies of 10-day letter and checks are to be returned to the victim upon final disposition of the case.
 - 4. The victim should be instructed to report restitution, immediately to the investigating detective.
- G. Any necessary bank information or documents may be acquired by obtaining a subpoena issued through the Grand Jury of St. Louis County. The reporting officer

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should contact the Prosecuting Attorney assigned to the Grand Jury and provide all relevant information for their review. The Grand Jury may then issue an investigative subpoena to the banking institution for release of the information or documents.

By order of:

A handwritten signature in cursive script that reads "Colonel Thomas Jackson". The signature is written in dark ink and is positioned above the printed name.

COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel