



ARLINGTON HEIGHTS POLICE DEPARTMENT

CHECK FRAUD INFORMATION

The following documents contain information and guidelines developed by the Arlington Heights Police Department to expedite the investigation of Check Fraud Complaints.

Please review the material and familiarize yourself with all of the requirements and instructions.

This procedure is designed to cause you the least amount of inconvenience.

Note: Do not complete any of the attached forms unless instructed to do so by a member of the Arlington Heights Police Department. If you are the victim of check fraud, you must first report the incident to the Police Department.

Purpose

It is not the intention of the Arlington Heights Police Department to act as a collection agency, although the final disposition may include full or partial restitution.

The Arlington Heights Police Department will treat all qualified check fraud complaints as criminal. However, people will frequently respond to the initial correspondence utilized in this procedure, thereby eliminating further action.

Check Acceptance Tips

- Institute a check acceptance policy.
- A clearly posted policy for employees and customers can reduce your losses.
- Accept checks only written on the day they were accepted.
- Provide customers with several different payment options.
- Record a photo I.D. at the time of the transaction.
- You are not obligated to accept a check if it does not meet your posted check acceptance policy.



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CHECK FRAUD REPORTING CRITERIA

- Amount must exceed \$150 (either as a single check or total amount of multiple checks)
 - Cannot be an out-of-state check
 - Cannot be partial payment of a bill or an “extension of credit”
 - Cannot be marked “Stop Payment”
 - Cannot be received through the U.S. Mail
 - Possession of the check must have occurred within Arlington Heights
(Check was received in Arlington Heights, deposited in a financial institution in exchange for goods or services and was presumed “good” at the time of acceptance)
 - Incident cannot include a written contract
 - Must be reported to the police department within 90 days of the date on the check
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The following will **not** be accepted:

- Post dated checks
- Both parties knew there were insufficient funds at the time of the transaction
- Two-party checks, government checks, stop payment or payroll checks
- The identity of the check writer is unknown
- Check is incomplete
- Numeric and written amounts on check do not match

*****Checks ineligible for the Arlington Heights Bad Check Program may be pursued through Small Claims Court or by a private collection agency**



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CHECK FRAUD

Civil Liability for Deceptive Practices 720 ILCS 5/17-1a

Sec. 17-1a. Civil Liability for Deceptive Practices. A person who issues a check or order to a payee in violation of Section 17-1(B) (d) and who fails to pay the amount of the check or order to the payee within 30 days following either delivery and acceptance by the addressee of a written demand by both certified mail and by first class mail to the person's last know address; or attempted delivery of a written demand sent by both certified mail and by first class mail to the person's last known address and the demand by certified mail is returned to the sender with a notation that delivery was refused or unclaimed, shall be liable to the payee or a person subrogated to the rights of the payee for, in addition to the amount owing upon such check or order, damages of treble the amount so owing, but in no case less than \$100 nor more than \$1,500, plus attorney fees and court costs.

A cause of action under this Section may be brought in small claims court or in any other appropriate court. As part of the written demand required by this Section, the plaintiff shall provide written notice to the defendant of the fact that prior to the hearing of any action under this Section, the defendant may tender to the plaintiff and the plaintiff shall accept as satisfaction of the claim, an amount of money equal to the sum of the amount of the check and the incurred court costs, and service and attorney fees. (Source: P.A. 89-378, eff. 8-18-95; 90-227, eff. 1-1-98; 90-721, eff. 1-1-99. Repealed by P.A. 96-1551, eff. 7-1-11.)

More information can be obtained by contacting, in person, the Cook County Circuit Court's Civil Division, Room 121 Civil Counter, 2121 Euclid Avenue, Rolling Meadows, IL.



ARLINGTON HEIGHTS POLICE DEPARTMENT CHECK FRAUD GUIDELINES

- The check must be submitted for payment/deposit TWICE, and at least seven (7) days apart, with the exception of “Account Closed” and “Unable to Locate Account” checks.
“Account Closed” and “Unable to Locate” only need to be submitted ONCE.
- A form letter, demanding immediate payment, must be mailed to the person presenting the check. The letter must be mailed via U.S. Certified Mail with a Return Receipt.
- The person presenting the check then has 30 (thirty) days to make payment
- If a response has not been received within 30 (thirty) days from the date the letter was received, the investigator will follow-up with the victim and initiate an investigation
- The Check Fraud form **must** be completed
- The following **must** be provided to the investigator:
 - ✓ Copy of front and back side of check
 - ✓ Copy of courtesy letter sent to suspect
 - ✓ Copy of envelope form letter was mailed in
 - ✓ Copy of USPS return receipt

An investigation will only be initiated if all of the reporting requirements are met, all of the above steps have been taken, and all copies of all documents are provided to the police department.

For a successful prosecution, victim must sign a criminal complaint and appear in court



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CHECK FRAUD PROCEDURE CHECKLIST

- Submit check for payment/deposit twice, at least seven days apart
- Mail "Courtesy Letter" demanding immediate payment via Certified Mail with a Return Receipt
- Wait at least 30 days from date on Return Receipt
- Complete the Police Department's Check Fraud Complaint Data Sheet *
- Provide photocopies to the Police Department of the following documents:
 - Front and back side of check *
 - Courtesy letter sent to suspect *
 - Envelope courtesy letter was mailed in *
 - USPS Return Receipt *

* When requested by a member of the Arlington Heights Police Department, the above documents should be submitted in the following manner:

1. Place them in an envelope marked ***Criminal Investigation Bureau/Financial Crimes Investigator*** and drop the envelope off at the Arlington Heights Police Department.

OR

2. Mail the envelope to the following:

Arlington Heights Police Department
200 East Sigwalt Street
Arlington Heights, IL 60005
Attn: Criminal Investigation Bureau/Financial Crimes Investigator

OR

3. Scan the above requested documents and e-mail them, along with the completed Check Fraud Complaint Data Sheet, to **cib@vah.com**.



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CHECK FRAUD SAMPLE COURTESY LETTER

Date

Dear John Doe,

You are hereby notified that a check, numbered ____ in the amount of \$ ____ , issued by you on ____ drawn upon _____ bank, and payable to _____ , has been dishonored. You have 30 days from receipt of this notice to tender payment of the full amount of such check plus a transaction fee of \$ ____ , the total amount due being \$_____.

Unless this amount is paid in full within the time period specified above, this matter will be reported to the Arlington Heights Police Department for the purpose of criminal prosecution.

(Closing,)

(Victim's name/address)

Transaction Fees

Pursuant to 720 ILCS 5/17-B)(h), to defray the costs and expenses incurred by a victim of a dishonored check, the amount of the transaction fee must not exceed the following:

<u>Amount of check</u>	<u>Transaction Fee</u>
Less than \$100	\$25
Greater than \$100 but less than \$250	\$30
Greater than \$250 but less than \$500	\$35
Greater than \$500 but less than \$1,000	\$40
Greater than \$1,000	\$50



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CHECK FRAUD COMPLAINT DATA SHEET

Do **not** turn in this document until a police report has been filed and you are directed to submit this form.

For the Arlington Heights Police Department to pursue a Check Fraud complaint, the following information must be completed:

1. Offender's Full Name (First, Last, MI): _____

2. Address (include Street, City, St & Zip): _____

3. Home Phone (with area code): _____ Work Phone(with area code): _____

Cell Phone (with area code): _____

4. Driver's License #: _____ Date of Birth: _____ Sex: _____

Race: _____ Height: _____ Weight: _____ Hair Color: _____

5. Amount of Check(s) _____

6. Dates check submitted to bank: 1. _____ 2. _____

7. Name and phone number of person who took possession of the check and can identify offender:

Name: _____ Phone #(include area code): _____

8. Exact location where transaction took place: _____

9. Complainant contacts with offender:

Date: _____ Result: _____

Date: _____ Result: _____

Date: _____ Result: _____

10. Who will sign complaint: Name: _____ Title: _____

Name of business: _____

Address: _____

Phone #(include area code) _____ Date of Birth: _____

11. Added comments or additional information. (Use reverse side if necessary.)
