

KENT POLICE DEPARTMENT

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MICHELLE A. LEE
Chief of Police

KENT POLICE DEPARTMENT BAD CHECK PROCEDURES

Prosecution for passing bad checks is subject to procedures established by the Ohio Revised Code and the Portage County Prosecutor's Office. This procedure is consistent with those procedures and should provide the quickest remedy for successful prosecution and restitution.

Prior to police action, certain requirements ***MUST*** be met by victims in order to promote successful prosecution. The requirements are:

1. No checks under \$100 will be accepted for prosecution, unless:
 - a. Multiple checks were written in a short period of time; and/or
 - b. Person writing the check has a recorded history of passing bad checks.
2. Checks under \$100 are remedied by filing a small claims action at Kent Municipal Court.
3. Rent checks cannot be accepted for prosecution.
4. Post dated checks or checks you agreed to hold before depositing cannot be prosecuted under Ohio law.
5. Checks older than 60 days will not be accepted for prosecution. The 60-day limit begins at the time when the victim first becomes aware the check was not good.
6. A social security number, driver's license number, or state ID card number of the person passing the check must be noted on the check by the person accepting it.
7. Checks stamped "Stop Payment" will not be accepted for prosecution.
8. A ten-day statutory demand notice must be sent to the passer for each check case by certified mail with a return receipt requested. You must also attempt to make direct contact by phone or in person with the check passer, with the appropriate documentation of your efforts. Do not submit the check and this form for prosecution, unless:
 - a. You are convinced that the passer intended to defraud you; and
 - b. You will actively participate in the prosecution, including possibly testifying in court, even if the person later attempts to pay off the debt.
9. Use one (1) report form for each check submitted.
10. The **original check**, a copy of the bad check notice you sent, and the post office return receipt showing delivery or non-delivery, must be submitted to the Kent Police Department when the report is taken.
11. Once criminal charges are filed, you cannot accept any payment on the bad check until the criminal case is disposed of by the Court. Only the prosecutor can dispose of the case by plea, trial or other disposition.

