

# INSUFFICIENT CHECK POLICY

Swanzy Business Proprietor  
Town of Swanzy  
Swanzy NH.



**RE:** Swanzy Police return check policy

Dear Business owner:

As you know, the Town of Swanzy is the second largest town in Cheshire County and we are growing rapidly. For the last few years, this agency has been inundated with returned check complaints from our local businesses. It is becoming increasingly difficult for us to investigate all bad checks, due to the volume of cases we handle.

With the constant changes and updates with laws, it becomes increasingly more technical for police to obtain account information. Currently, police file subpoenas for account information and in some cases apply for search warrants to obtain any videos or other records from the bank on individuals. Additionally, out of state banks do not have to comply with the subpoenas from the State of New Hampshire.

Proprietors should also understand, that if they enter into a verbal or written agreement allowing an individual to make payments, having previously uttered a bad check, then such writing of the check will no longer be a criminal act. An agreement with that individual then becomes a civil process and you (victim) would have to seek restitution through small claims Courts. Therefore, in order to provide the best possible service for the Town of Swanzy, the following policies are being implemented and must be adhered to for successful prosecution:

1. Swanzy Police must receive the returned check no later than 30 days after said check has been returned by the bank for insufficient funds. If the check is provided to the police after the thirty days, the Swanzy Police will not investigate; however, this does not preclude victims from seeking civil remedy as stated above. Checks that are written on closed accounts do not fall under this policy.
2. Swanzy Police will not handle checks under \$50.00; however, we will accept aggregated checks written within thirty days of the first check uttered totaling \$50.00 or more, not inclusive of bad check fees. Proprietors/businesses are encouraged to maintain a list of individuals who have uttered bad checks in their stores and have not made payment. Hopefully, this may help to minimize recidivism.

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## **RETURNED CHECKS CONTINUED**

- 3.** Swanzey Police will not be accepting out of state check(s), unless the check(s) are in excess of \$500.00 and uttered in the Town of Swanzey, NH. This dollar amount would constitute a felony by statute.
- 4.** Business owners will have to mail out a fourteen day demand letter for payment within the thirty day time frame. (Contact police for demand letter if needed)
- 5.** Swanzey Police will need original check(s), letter(s) and receipt(s) for a successful prosecution.
- 6.** Demand for payment letter(s) need to be sent out via certified mail, return receipt requested to insure a signature or non- compliance .

Sincerely,

Lt. Thomas De Angelis  
Commander Field Services