

**Weber County Sheriff's Office**  
**721 West 12<sup>th</sup> Street Ogden, Utah, 84404**  
**Telephone: (801) 778-6631 Fax: (801) 778-6668**

**Sheriff**  
**Brad Slater**

**Undersheriff**  
**Kevin McCleod**

**Financial Crimes Data Sheet**

**Closed Account/Insufficient Funds (NSF) Cases –**

Closed account check cases and insufficient funds cases are investigated in a similar manner by police and require notice be given that the account was closed, or that the check did not clear the account, to the person who passed the check.

**14-Day Notice** - The person who signed/passed the check(s) in question has to be given a 14-day notice that the check did not clear their checking account or that their account has been closed. They then have 14 days from the date of notice to pay for the check or be exposed to criminal charges. There must be proof that this person received the notice. The Police do not send this notice; the merchant must send this notice first. The notice is required by Utah State Law. (See attached 14 day example)

**Proof of 14-Day Notice** - The 14-Day Notice can be served through certified/restricted mail to the person who signed the check (the maker). Using certified/restricted mail, the person receiving the notice must sign a return receipt for the notice and the notice can only be delivered to the specified individual. The return receipt is considered to be evidence, even if the notice is returned as 'unclaimed,' and must be provided for the investigation. Police will not, for the purpose of the investigation, accept 14-Day Notices that were given over the phone.

**Evidence** - The evidence in these cases is the check with the stamp of "insufficient funds" or "account closed" appearing on the check. A victim who has called the bank on the phone and been told that the account has been closed, or that there were not sufficient funds for the check, is not providing the necessary evidence for a criminal case. The check must have been routed through a financial institution and stamped by that institution in order to satisfy the elements of "presented" and "payment was refused," as outlined in the Utah Criminal Statute

**Date and Time of Transaction** - This is not the date on the check. The required information includes both the date and time the check was 'presented' for payment and the date 'payment was refused.' These events may have occurred on separate days, so the dates may be different.

**Witness Information** - Names, addresses and home phone numbers of all witnesses- including clerks, supervisors etc.

**Payment** - If payment is made within the 14-day time frame there is no criminal case. If the victim accepts partial payment, the case then becomes civil in nature and the police will not proceed with a criminal investigation. It is in the victim's best interest to accept only payment in full and only in certified funds, such as cash or a cashier's check from the maker of the check(s).

**Forgery Cases:** When reporting a forgery case to the police you must provide:

**Address of Transaction** - The address location of where check was negotiated and current phone number.

**Date and Time of Transaction** - The date and time of the physical transaction, not the date on the check.

**Victim Information** - List all phone numbers and current home address of persons involved with check.

**Witness Information** - The home phone and address of the person who accepted the check, which is usually a cashier, teller, or clerk.

**Best Evidence Rule** - The check is the evidence. If the original check is available it must be turned over to the police for the investigation and will be used for evidentiary purposes. If the check is not available, the investigation can proceed with a certified copy, as long as the copy clearly shows the front and back of the check or document.

**Affidavit of Forgery Statement from the Victim** - An affidavit of forgery, or a statement from the victim, must be included. The affidavit states that the person whose name was forged has looked at the questioned signature and confirmed it is a forgery and that they will assist in prosecution. Affidavits can be obtained from your financial institution.

**Video of the Crime** - If there is video of the crime, remove the tape from the recorder and break off the record tab on the back of the tape. The videotape is evidence and should be treated as such. Label the tape for future reference with date, time, activity, etc.

## **Instructions for NSF / Closed Account Checks Form:**

**This entire report must be completed, please type or print.**

- 1- Only check(s) totaling \$300.00 or more will be accepted for prosecution.
- 2- Checks older than six months will not be accepted for prosecution.
- 3- Checks are accepted for criminal prosecution only, not for collection of a debt.
- 4- Checks stamped “closed account” or “account closed” will be accepted with this form, but will not result in prosecution unless subsequent investigation proves that the passer knew the account was closed when the check was written.
- 5- Postdated checks, or checks which you agreed to hold before depositing cannot be prosecuted under Utah Law.
- 6- Under Utah State Law a 14 Day notice must be sent to the passer of the check(s) by Certified mail with Return Receipt; Do not submit any check(s) and this form for possible prosecution, unless you are satisfied the passer intended to defraud you and you will participate in prosecution even if the passer attempts to pay off the debt at some future date.
- 7- Submit with this form the ***Original check(s)*** a copy of the 14 Day notice and Certified Return receipt showing delivery or non-delivery.
- 8- This form must be signed by the person in position of authority, e.g., Owner, Manager, etc.

Please return form and required documents to;

Weber County Sheriff's Office  
Attn: Investigations Section  
721 West 12<sup>th</sup> St. Ogden, Ut  
84404

**NSF / CLOSED ACCOUNT FORM**

W.C.S.O. Case # \_\_\_\_\_

Date Received \_\_\_\_\_

To Be Completed by Person Making Report

1- Please detail what steps you or your employees have taken to contact the Passer and/ or recover your loss.

Was the Passer contacted? \_\_\_\_\_ By Whom \_\_\_\_\_

When \_\_\_\_\_

Where \_\_\_\_\_

How \_\_\_\_\_

Result \_\_\_\_\_

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2- Has the Passer attempted to make restitution? \_\_\_\_\_ if so, please explain \_\_\_\_\_  
\_\_\_\_\_.

Have you successfully served a 14-day NSF notice to the passer? \_\_\_\_\_.

How: Certified Mail or Personal Service? \_\_\_\_\_.

If not served reason why: \_\_\_\_\_  
\_\_\_\_\_.

Do you feel you have exhausted your ability to collect this debt? \_\_\_\_\_.

Do you feel the passer intended to defraud you when he/she passed the check? \_\_\_\_\_.

Have you retained an attorney or turned this matter over to a collection agency in an attempt to collect the debt owed? \_\_\_\_\_ . If so

Whom: \_\_\_\_\_.

The decision whether or not to prosecute the passer will be made by a representative of the Weber County Attorney's Office, who will take into account numerous factors including what facts and evidence exists of intent to defraud, and the availability of necessary records.

Criminal prosecution does not guarantee restitution as prosecution is designed to punish not collect debts; If a criminal case cannot be proven, the check will be returned to you upon request.

I hereby understand and agree to all the information contained in this document; it is to be used by and disseminated among all necessary Law Enforcement Agencies, the office of the Prosecuting Attorney, and the Courts. I also understand and agree that the check(s) are being submitted for criminal prosecution and that if criminal prosecution is initiated, it will be necessary for those persons having knowledge of the facts to appear and testify in Court.

I hereby certify that no one has accepted full or partial payment / restitution for this particular check(s) as of this date and I further agree not to accept payment / restitution without notifying the Weber County Investigator assigned to the case.

I hereby certify that I have read and understand the directions in completing this form and that all of the facts herein are true, accurate and complete to the best of my knowledge.

Signature of person making the report \_\_\_\_\_

Date: \_\_\_\_\_

# Report

## Part II

Your Business Name \_\_\_\_\_

Business Address \_\_\_\_\_

Business Phone \_\_\_\_\_

Person making report \_\_\_\_\_

Job Title \_\_\_\_\_

Home Address \_\_\_\_\_ Phone \_\_\_\_\_

Check Number(s) \_\_\_\_\_

Date check(s) was accepted \_\_\_\_\_

Amount \_\_\_\_\_

Name of person who presented the check(s) \_\_\_\_\_

**THIS NEXT SECTION MUST BE COMPLETED BY THE PERSON WHO  
ACTUALLY ACCEPTED THE CHECK:**

Your Name \_\_\_\_\_

Home Address \_\_\_\_\_ Phone \_\_\_\_\_

City \_\_\_\_\_ Zip Code \_\_\_\_\_

Description of Passer: Race \_\_\_ Age \_\_\_ Sex \_\_\_ Ht \_\_\_ Wt \_\_\_

Hair Color \_\_\_\_\_ Hair Length \_\_\_\_\_

Name given by the passer \_\_\_\_\_

Id used by passer \_\_\_\_\_

D.L # and State \_\_\_\_\_

Phone Number given by passer \_\_\_\_\_

Description of Automobile involved if any: Make \_\_\_\_\_

Model \_\_\_\_\_ Color \_\_\_\_\_

Plate # \_\_\_\_\_ State \_\_\_\_\_

Description of person or person(s) who accompanied passer (if any) \_\_\_\_\_

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Name of other persons who witnessed the transaction and a contact number where they can be reached

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**PLEASE CIRCLE THE PROPER RESPONSE**

1- Do you recall the transaction and or what was purchased? Yes No

2- Was the passer known to you? YES No If Yes explain: \_\_\_\_\_

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3- Can you identify the passer? Yes No if Yes How? \_\_\_\_\_

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4- What did the passer obtain in exchange for the check?

- (a) Credit for a Bill?    Yes    No
- (b) Services?            Yes    No
- (c) Cash?                Yes    No    Amount\_\_\_\_\_
- (d) Merchandise?       Yes    No

Describe\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5- Was the check postdated and / or did the passer ask you to hold the check to a future date?    Yes    No

6- Did you see the passer write the check and/or endorse the check?    Yes    No

7- Did you initial, mark upon or write upon the check at the time you accepted it?

Yes    No            If so what?\_\_\_\_\_

\_\_\_\_\_

Is this report true, accurate, and complete to the best of your knowledge? Y N

Signature of person who accepted check(s) from passer.

X \_\_\_\_\_ . Date\_\_\_\_\_



Example of 14 day Notice

(Date)

Dear (Maker of Check)

You are hereby notified that the check(s) described below issued by you has been returned unpaid:

Check Number:

Check

Date:

Originating Bank:

Amount:

Payable To:

Reason for

Dishonor:

The forgoing check, together with a service charge of \$ \_\_\_\_, must be paid to the (person, business, bank or credit union) within 14 days from the date you receive this notice in accordance with Section 7-15-1 Utah Code annotated 1953, or appropriate civil, legal action may be filed against you for the amount due and owing together with service charges, interest, court costs and attorney fees provided by law.

In addition, the criminal code provides in Section 76-6-505, Utah Code annotated 1953:

Any person who issues or passes a check for the payment of money, for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property, or other thing of value or paying for any services, wages, salary, labor or rent knowing it will not be paid by the drawee and payment is refused by the drawee, is guilty of issuing a bad check. The foregoing civil action does not preclude the right to prosecute under the Criminal Code of the State of Utah.

Sincerely,

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