

CHAPTER 116
WORTHLESS CHECKS

DISCUSSION: The purpose of this chapter is to establish a Departmental policy for governing Worthless Checks for prosecution. The purpose of the worthless check unit is to provide a means for the merchant to collect funds lost because of "bad" checks. The worthless check unit serves as a coordinator between the District Attorney, Warrants and City Court. It is staffed by one office assistant who works from 0800 until 1700, Mon.-Fri.

116.1 Conditions for Prosecution of Worthless Checks

- A. The District Attorney's Office will assist merchants in the collection of funds by a merchant of checks which have been presented for insufficient funds or account closed.
- B. The merchant must first attempt to collect on the worthless check by sending a certified letter to the customer allowing fifteen (15) days for response.
- C. If there is no response, the merchant takes the original check and the green card from the certified letter to the District Attorney's Office.
- D. The merchant then fills out worthless check forms provided by the District Attorney's Office.
- E. The District Attorney's Office sends a letter to the customer giving them ten (10) working days to respond.
- F. If there is no response from the customer a warrant is then issued and sent to the appropriate agency for collection or prosecution.

116.1.2 Hattiesburg Police Department Worthless Check System

- A. Upon receiving the worthless check warrant from the District Attorney's Office, the warrant is entered into the Hattiesburg Police Department's computer system.
- B. Each warrant receives a Hattiesburg Police:
 - 1. Incident number,
 - 2. Warrant number and
 - 3. Case number.
- C. Once entered the warrant becomes part of the Hattiesburg Police Active Warrant File and may be served by any sworn officer upon location of the subject. However, the intent of the system is to provide merchants with an avenue for collection. Therefore

with regard to serving warrants for worthless checks the following procedures are in effect.

1. Every attempt is made to collect funds before incarceration.
 2. The first attempt to serve the warrant is made by telephone contact with the subject. The phone contact is made by the Office Assistant or a Warrants Officer.
 3. If unable to make contact by phone, a Warrants Officer or other assigned Officer shall attempt a field contact.
 4. The warrant may then be served by any Officer making contact with the subject.
- D. Once contact is made the process is served.
1. The subject pays a bond to be released when served with the warrant.
 2. Once a bond has been paid, the suspect signs a Failure to Appear Affidavit and is given a summons to appear in court.
 3. The suspect shall appear before the judge for disposition of the case. Should the suspect fail to appear his bond will be forfeited.