

MERCHANT GUIDE



Edina Police Department

4801 W. 50th Street

Edina, MN 55424

www.cityofedina.com



EMERGENCY

(Police, Fire, Ambulance)

9-1-1

Non-Emergency

(24 hour)

952-826-1600

Police Administration

(M-F, 8:00am to 4:30pm)

952-826-1610

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Introduction

This guide is designed to aid merchants in identifying and preventing the most common commercial crimes and assisting in successful prosecution of those crimes. It is not meant to replace existing Federal or State laws or statutes. All merchants should familiarize themselves with their company's policies and with current Minnesota State Statutes relating to criminal acts, found at <http://www.leg.state.mn.us/leg/statutes.asp>.

Retail Crimes Unit

The Retail Crimes Unit of the Edina Police Department is a proactive, plain-clothes unit working in the Southdale Center and the France Avenue commercial corridor. Officers on this team assist merchants in matters relating to commercial crime, either specific or on-going problems, and can tailor their hours to address the merchant's special needs. They are also available to respond to ambiguous retail problems or possible criminal situations in which the store policy or procedures may restrict employee intervention.

The Retail Crimes Unit can be reached by calling the 24-hour Edina Police Department Communications Center at **(952)-826-1600**.

THEFT

Theft is the most common commercial crime. The theft statute can be found online at <https://www.revisor.leg.state.mn.us/statutes/?id=609.52>. The basic elements of theft as defined in Minnesota State Statute 609.52 can be paraphrased as:

The act of intentionally taking, concealing or retaining possession of the property of another without the other's consent and with intent to deprive the owner of possession of the property.

The severity of the crime is primarily determined by the pre-tax dollar value of the stolen item(s). If the stolen property has a combined value of more than \$1000, the crime is considered a felony. If the value is between \$500 and \$1000, the crime is a gross misdemeanor, and if the value is less than \$500 the crime is a misdemeanor.

EMPLOYEE THEFT

Your request for a criminal complaint will be investigated and prepared for prosecution in a more timely manner if you follow the guidelines below. Due to the volume of investigations and difficulty in prosecution, the Edina Police Department **will not investigate** complaints of employee criminal activity unless the listed steps are followed.

If you are able to prove a loss totaling less than \$5000:

1. Conduct an internal investigation and gather all evidence (receipts, video surveillance, witnesses, etc.).
2. Write a complete report including what prompted the investigation and what information was obtained as a result of the investigation. Obtain written statements from witnesses who have any knowledge of the incident and include them in the report.
3. Prepare the report for submission to the Edina Police Department. **The following items must be included:**
 - **Citizen's Arrest Report-** This report should be completed anytime an employee is taken into custody and held for the police.
 - **Witness List-** The name, address, home, work or cell phone numbers of each witness and a summary of the witness' involvement in or knowledge of the incident.
 - **Incident Report-** This report is to be completed by the primary person conducting the investigation and should contain all pertinent information relating to the investigation as well as the suspect's full name, date of birth, address, home, work or cell phone numbers, physical description, driver's license number, date of employment, etc.
 - **Evidence-** All evidence gathered must be turned over to the Edina Police Department, including but not limited to video surveillance, original receipts, computer evidence, and checks.
 - **Interview-** If the suspected employee is interviewed, we recommend that the conversation be recorded. In the event that the employee will not speak with the police, the transcription of the employer's interview is admissible in court. If recording the interview is not possible, take notes and write a supplementary report of the interview with particular attention to any admission or denials made by the employee, or have the employee write and sign a statement.
4. Prior to terminating the employee, contact the Edina Police Department and request that an officer respond for an employee in custody for theft. When the officer arrives, supply him/her with the items in Number 3 above. The officer will determine if there is probable cause for an arrest. If probable cause exists, the responding officer will initiate an investigation and may take the employee into custody.

If you are able to prove a loss in excess of \$5000:

1. Complete the required documentation as described in the above Number 3 for an incident involving a loss less than \$5000.
2. Contact the Commercial Crimes Sergeant at 952-826-1610. Provide the Sergeant with a summary of your suspected crime and the status of your investigation.
3. The Sergeant will determine a course of action. A patrol officer or detective may be dispatched to meet with you. If a detective is assigned, the detective will request to be present when you interview the employee. Following review of the case, the detective will suggest a course of action.

For the police to make an arrest, all documentation must be complete prior to their involvement. Thorough internal investigations generally involve a large amount of paper work. It is very important to provide on the first page of your report a brief synopsis of the alleged crime, the provable loss and what documentation was obtained in conjunction with the case (i.e. video surveillance, witness statements or an admission by the suspected employee).

It is difficult for police to receive cooperation from an employee who has been discharged prior to police intervention. Following these guidelines increases the likelihood of criminal prosecution of your case.

THEFT BY SHOPLIFTING

To Deter Shoplifting...

1. Install digital cameras and a multiplex recorder- good photos enhance prosecution. Keep all equipment in good condition and retain digital images or tapes for one year.
2. Greet and acknowledge customers entering your store. Legitimate customers will appreciate the service and the shoplifters will know that you are paying attention. Be particularly attentive to people who seem anxious and refuse assistance.
3. Observe your customers, particularly their hand and eye movements. Legitimate customers will be inspecting merchandise for size, fit, color, price and value. Shoplifters will be looking around for clerks or cameras. They will generally target items because of price, ease of access, or resale value.
4. Watch for customers who select items then migrate toward areas of the store that offer concealment. Large store displays, back walls and cramped spaces often provide cover for surreptitious activity.
5. Pay attention to customers with strollers, large bags or purses, they could be used to conceal stolen merchandise. Be conscious of people dressed inappropriately for the weather. Shoplifters may wear heavy or loose clothing or large jackets to hide stolen items underneath.
6. Groups who enter the store and then split up may be trying to distract you. Have an easy, prearranged way to notify other employees if you think something's happening.
7. Monitor your fitting rooms, limit the number of items taken into a room and inspect the room after each use. Shoplifters will often remove tags and conceal the merchandise while in the fitting rooms. The presence of a store clerk is often the best deterrent for these activities.

If There's a Shoplifter in Your Store...

1. Give that person the best customer service they've ever had.
2. Let other employees know you are suspicious of the customer so they can help watch the suspect and provide an extra set of eyes at the entrance/exit.
3. If you are in a mall with security, call them and request that they walk through your store.
4. If there is a shoplifting incident in progress, call 9-1-1 and effect a citizen's arrest or wait for police assistance.
5. NEVER put yourself at risk. If a suspect does shoplift, always follow your company policy. If you believe the suspect is violent or dangerous in any way, allow the police to intervene. No amount of lost merchandise is worth the risk to your personal safety.

MERCHANT DETENTION LAW

Please review Minnesota State Statute 629.366, located online at <https://www.revisor.leg.state.mn.us/statutes/?id=629.366> It basically states that any merchant or merchant's employee may detain a person suspected of theft if the merchant or employee has reasonable cause to believe the person committed a crime. Examples of "reasonable cause" include (but aren't limited to) 1. you knew you had three items on a rack, the suspect was the only person near the rack, and as soon as the suspect left the area there were only two items left or 2. the suspect entered your store without a shopping bag, and now has a bag full of merchandise and didn't make any purchases. Reasonable cause is information you can clearly explain that would lead any reasonable person to come to the same conclusion.

The purpose of this law is to protect merchants and their employees against civil liability for detaining a suspect; however, you are protected when detaining someone only if you can clearly explain the reasons why you believe the person you are detaining is a suspect. Many retailers have company policies regarding theft and procedures to follow when a theft occurs. You should know your store policy and always follow those procedures.

MAKING AN ARREST

If you believe there is no threat to your safety and you can articulate your reasons for an arrest, approach the suspect and identify yourself. Advise them of your beliefs regarding their involvement in a crime and request the return of the merchandise. Regardless of the suspect's willingness to return the merchandise, advise them they are being detained and are under citizen's arrest for the incident. Inform the suspect that the police have or will be notified and that they will be turned over to the police. When police arrive, advise them that you have placed the person under citizen's arrest and are requesting the officer take custody of the suspect.

If the value of the stolen items is under \$500, the suspect will most likely be issued a citation and released. If the value is \$500 or more, the suspect will be taken for booking and processing.

All citizen's arrests require a report and/or a formal statement from the merchant. A citizen's arrest report is a written explanation of the incident, and included in this report will be the reasons for detaining the suspect, a detailed description of the item(s) stolen and their value, suspect information, and names of other employees having knowledge of the incident. Many merchants have forms which meet the requirements of a valid citizen's arrest report. In the event you need a report form or assistance in filling it out, the responding officer will provide the help needed.

If you do not feel safe conducting a citizen's arrest or circumstances prevent you from confronting a suspect, call the Edina Police at 9-1-1. Identify yourself, your location, approximate dollar value of the theft and a description of the suspect. If the suspect is in a vehicle, try to get the license plate and a description- make, model, color, year, style, damage, direction of travel and any other passengers. That information will be relayed to the responding officers and if the police are unable to catch the suspect at that time, your information will help to locate him/her later.

REPORT WRITING

Report writing is one of the most important aspects of the criminal justice system. An arrest or incident report is a permanent record of your recollection of an event and may be seen and read by many people. These people may include, but are not limited to, your supervisor, the responding police officer, other police personnel, the prosecuting attorney, defense attorney, and judge. It is important that your report is legible, understandable and concise. A good report should read like a well-constructed book, providing a chronology of events, character and scene descriptions, and an understandable plot.

The following guidelines will help you draft a clear and concise report:

1. Type the report whenever possible, or use a black pen.
2. Write in complete sentences and paragraphs and use correct grammar, punctuation and spelling.
3. Include the elements of the crime in the body of the report (refer to state statutes for elements of specific crimes).
4. If you make a mistake, use whiteout or start over. Scribble marks and crossed out words make reports hard to read and are not professional.
5. Proof read what you have written. Did you record all pertinent information and details?
6. Can the sequence of events be easily read and understood?
7. A report that is not up to acceptable standards may need to be re-written or may be declined by the officer who is reviewing the report for submission to the prosecutor.

EVIDENCE

Evidence is critical to any case; please observe the following:

1. Police must have the original evidence (i.e. receipts, signed charge slips, checks, etc.).
2. For check cases, handle the check as little as possible, place in an envelope for police. If you need to handle it, do so around the edge to prevent print contamination.
3. In cases where a check is returned from the bank, the original must be transferred to the police for the case file.
4. Copy the identification that is offered in a check or credit card transaction whenever possible and provide it to police when a matter is determined to be fraudulent.
5. If you are unsure if something is evidence in a case, leave the item where you found it and inform the responding officer; he/she will make the determination.
6. If your store has video surveillance of an incident, a copy of the video or digital surveillance must be supplied to the police as evidence.

CHECK AND CREDIT CARD FRAUD

Bad check losses of less than \$1,500 will be handled by the Bad Check Diversion Program at 1-800-880-5420 or online at

http://www.ci.edina.mn.us/content/departments/police_department/PDFs/L5-30_CheckCreditCardFraudPDF.pdf

A criminal complaint does not guarantee economic recovery of your loss and the Police Department is not a collection agency and will not act in that manner. You may want to file a civil claim; online information is located at <http://www.mncourts.gov/district/4/?page=830> or you may call Hennepin County Conciliation Court at (612) 348-2713.

By following the guidelines below, your criminal complaint will be expedited and losses through bad checks and credit card fraud will be reduced. **The Edina Police Department will accept checks for investigation ONLY:**

1. If the crime occurred in Edina.
2. When the MN picture DL or ID card is used for identification.
3. When the dollar amount of a forged check is \$250 or more, unless there are other cases pending on the same account that add up to \$250.
4. If the dollar amount of the bad check exceeds \$1,500, unless there are other cases pending on the same account that total \$1,500.
5. If they are less than 45 days old from date of issue.
6. If they are returned by the bank stamped "Forgery".

The Police Department will NOT accept for investigation:

1. A check written for past consideration (i.e. a bill for an item). This is not a dishonored check. Nothing has changed, the person still owes you money.
2. Out-of-state checks.
3. Post-dated checks.
4. Checks marked "Stop payment."
5. Third party checks.
6. Checks where the MN DL/ID is not used for identification.
7. Checks where the dollar amount is under \$250 (forgery reports may be taken for documentation at any dollar amount).
8. Checks that are over 45 days old from date of issue.

The Edina Police Department requires that merchants record the following information about the user of the check or card (unless it's printed on the check or credit card) when accepting checks or credit cards for payment:

1. Name.
2. Current address.
3. Current phone number.
4. MN DL or ID number copied from the ID, and compare the photo to the writer.
6. Initial the check to indicate that steps 1-4 were completed.

The following items will be needed by the Police Department for evidentiary purposes:

1. The original check or credit card- if recovered.
2. Documentation of specific loss (receipts, invoice, etc.).
3. Summary report of all contact and actions taken by the victim or complainant.
4. A copy of the Demand for Payment notice (p 13) with certified mail receipt or Affidavit of Mail Service (p 12) for all NSF, account closed, and insufficient fund checks.
5. Affidavit of Check Forgery (p 10) for all check forgeries.
6. Affidavit of Credit Card Forgery (p 11) for all credit card forgeries.
7. The Fraudulent Check and Credit Card Report (FCCC Report, p 16) for all check and credit card cases.

“ACCOUNT CLOSED”, “NO ACCOUNT”, “NSF” CHECKS

When you receive a check back from the bank with one of the above notations, you must send a Demand for Payment notice (p 13) *and* the relevant statutory information on pages 14 and 15. This is to be sent Certified Mail with a return receipt requested or by regular mail if you complete a notarized Affidavit of Mail Service (p 12). A copy of the mail receipt or affidavit must be provided to the Police Department.

If the above notice does not bring a resolution to the returned check after five business days, fill out the FCCC Report (p 16). After the listed steps have been taken, contact the Edina Police Department at (952) 826-1600. An officer may be dispatched to take an initial complaint report.

FORGERY

If the account holder advises you, the bank, or credit card company that the transaction was a forgery, attempt to obtain an Affidavit of Check (or Credit Card) Forgery (p10 or p11) signed by the account holder. This should be witnessed by a third party.

In addition to the Affidavit of Forgery, the FCCC Report (p 16) must also be completed. When both of these documents have been completed, contact the Police Department at (952) 826-1600 and advise them that you wish to file a forgery report.

In all of the above cases, the Edina Police Department requires the original documents (receipts, checks, the credit card, or anything that was signed), the information of the person who accepted the check or credit card and observed the suspect sign for the purchase, and the Fraudulent Check and Credit Card Report.

If a forgery occurs in your presence, consider the following options:

1. If possible, stall the suspect and call Edina Police or security.
2. Get a physical description of the suspect including height, weight, eye color and clothing.
3. If possible, safely follow the suspect and note direction of travel, vehicle description, etc.
4. Follow your store policy and never put yourself at risk.

AFFIDAVIT of CHECK FORGERY

I, _____, being of sound mind, depose and state:
(Account Holder's Name)

I am of legal age and have examined a certain check drawn on _____
(Account Holder's Bank)

in the amount of \$ _____, payable to the order of _____,

dated _____, check number _____, and bearing a facsimile of my signature

as drawer. I did not write the said signature, nor did I authorize or procure it to be written, nor at any time did I ratify its having been written, but that the same is a forgery and was not written by me; and I did not receive any of the proceeds of said check or any part thereof, either directly or indirectly.

Date

Signature

Address

Date

Witness Signature

AFFIDAVIT of CREDIT CARD FORGERY

I, _____, being of sound mind, depose and state:

I am of legal age, and have examined the specific receipt from

_____, in the amount of \$ _____,
(Business Establishment)

payable by my transaction card _____,
(Credit Card Company)

account # _____, dated _____,

bearing a facsimile of my signature.

The following statements are true:

- I did not write the said signature.
- I did not authorize it to be written.
- I did not confirm, approve, or endorse its having been written.
- The signature is a forgery and was not written by me.
- I did not receive the proceeds of the transaction or any part thereof, either directly or indirectly.
- I authorized no one to use my name or identification to apply for or obtain credit in my name.

Date

Signature

Address

Date

Witness Signature

NOTICE and DEMAND
for PAYMENT of DISHONORED CHECK

DATE: _____ / _____ / _____
 MONTH DAY YEAR

NAME: _____

ADDRESS: _____
 STREET CITY STATE ZIP CODE

ON CHECK: _____
 STREET CITY STATE ZIP CODE

YOU ARE HEREBY NOTIFIED THAT A CHECK DATED _____ / _____ / _____,
 MONTH DAY YEAR

DRAWN ON THE _____ BANK OF _____

IN THE AMOUNT OF \$ _____ BEARING THE SIGNATURE OF

_____ HAS BEEN RETURNED

UNPAID WITH THE NOTATION THAT PAYMENT HAS BEEN REFUSED BECAUSE OF:

Unless this check is PAID IN FULL WITHIN **FIVE (5) BUSINESS DAYS** after mailing of this notice, we will or may refer the matter to the proper authorities for prosecution under Minnesota State Statutes, Section 609.535, violation of which is either a misdemeanor, gross misdemeanor, or felony, and the financial institution shall release information relating to this checking account to the payee or holder of the check. You may also be subject to civil penalties under the civil liability State Statutes, Section 604.113, in which penalties include service charges, restitution, interest and attorney fees.

REMIT TO: _____

ADDRESS: _____
 STREET CITY STATE ZIP CODE

604.113 ISSUANCE OF WORTHLESS CHECK.

Subdivision 1. Definitions.

- (a) The definitions provided in this subdivision apply to this section.
- (b) "Check" means a check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument.
- (c) "Credit" means an arrangement or understanding with the drawee for the payment of the check.
- (d) "Dishonor" has the meaning given in section [336.3-502](#), but does not include dishonor due to a stop payment order requested by an issuer who has a good faith defense to payment on the check. "Dishonor" does include a stop payment order requested by an issuer if the account did not have sufficient funds for payment of the check at the time of presentment, except for stop payment orders on a check found to be stolen.
- (e) "Payee" or "holder" includes an agent of the payee or holder.

Subd. 2. Acts constituting. Whoever issues any check that is dishonored is liable for the following penalties:

- (a) A service charge, not to exceed \$30, may be imposed immediately on any dishonored check by the payee or holder of the check, regardless of mailing a notice of dishonor, if notice of the service charge was conspicuously displayed on the premises when the check was issued. If a law enforcement agency obtains payment of a dishonored check on behalf of the payee or holder, up to the entire amount of the service charge may be retained by the law enforcement agency for its expenses. Only one service charge may be imposed under this paragraph for each dishonored check. The displayed notice must also include a provision notifying the issuer of the check that civil penalties may be imposed for nonpayment.
- (b) If the amount of the dishonored check is not paid within 30 days after the payee or holder has mailed notice of dishonor pursuant to section [609.535](#) and a description of the penalties contained in this subdivision, whoever issued the dishonored check is liable to the payee or holder of the check for:
 - (1) the amount of the check, the service charge as provided in paragraph (a), plus a civil penalty of up to \$100 or the value of the check, whichever is greater. In determining the amount of the penalty, the court shall consider the amount of the check and the reason for nonpayment. The civil penalty may not be imposed until 30 days following the mailing of the notice of dishonor. A payee or holder of the check may make a written demand for payment of the civil liability by sending a copy of this section and a description of the liability contained in this section to the issuer's last known address. Notice as provided in paragraph (a) must also include notification that additional civil penalties will be imposed for dishonored checks for nonpayment after 30 days;
 - (2) interest at the rate payable on judgments pursuant to section [549.09](#) on the face amount of the check from the date of dishonor; and
 - (3) reasonable attorney fees if the aggregate amount of dishonored checks issued by the issuer to all payees within a six-month period is over \$1,250.
- (c) This subdivision prevails over any provision of law limiting, prohibiting, or otherwise regulating service charges authorized by this subdivision, but does not nullify charges for dishonored checks, which do not exceed the charges in paragraph (a) or terms or conditions for imposing the charges which have been agreed to by the parties in an express contract.
- (d) A sight draft may not be used as a means of collecting the civil penalties provided in this section without prior consent of the issuer.

(e) The issuer of a dishonored check is not liable for the penalties described in paragraph (b) if a pretrial diversion program under section [628.69](#) has been established in the jurisdiction where the dishonored check was issued, the issuer was accepted into the program, and the issuer successfully completes the program.

Subd. 3. **Notice of dishonor required.** Notice of nonpayment or dishonor that includes a citation to this section and section [609.535](#), and a description of the penalties contained in these sections, shall be sent by the payee or holder of the check to the drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed or written on the check. The issuance of a check with an address printed or written on it is a representation by the drawer that the address is the correct address for receipt of mail concerning the check. Failure of the drawer to receive a regular or certified mail notice sent to that address is not a defense to liability under this section, if the drawer has had actual notice for 30 days that the check has been dishonored. An affidavit of service by mailing shall be retained by the payee or holder of the check.

Subd. 4. **Proof of identity.** The check is prima facie evidence of the identity of the issuer if the person receiving the check:

(a) records the following information about the issuer on the check, unless it is printed on the face of the check:

(1) name;

(2) home or work address;

(3) home or work telephone number; and

(4) identification number issued pursuant to section [171.07](#);

(b) compares the issuer's physical appearance, signature, and the personal information recorded on the check with the issuer's identification card issued pursuant to section [171.07](#); and

(c) initials the check to indicate compliance with these requirements.

Subd. 5. **Defenses.** Any defense otherwise available to the issuer also applies to liability under this section.

609.535 ISSUANCE OF DISHONORED CHECKS.

Subdivision 1. **Definitions.** For the purpose of this section, the following terms have the meanings given them.

(a) "Check" means a check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument.

(b) "Credit" means an arrangement or understanding with the drawee for the payment of a check.

Subd. 2. **Acts constituting.** Whoever issues a check which, at the time of issuance, the issuer intends shall not be paid, is guilty of issuing a dishonored check and may be sentenced as provided in subdivision 2a. In addition, restitution may be ordered by the court.

Subd. 2a. **Penalties.** (a) A person who is convicted of issuing a dishonored check under subdivision 2 may be sentenced as follows:

(1) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than \$500;

(2) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than \$250 but not more than \$500; or

(3) to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is not more than \$250.

(b) In a prosecution under this subdivision, the value of dishonored checks issued by the defendant in violation of this subdivision within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the dishonored checks was issued for all of the offenses aggregated under this paragraph.

Subd. 3. **Proof of intent.** Any of the following is evidence sufficient to sustain a finding that the person at the time the person issued the check intended it should not be paid:

(1) proof that, at the time of issuance, the issuer did not have an account with the drawee;

(2) proof that, at the time of issuance, the issuer did not have sufficient funds or credit with the drawee and that the issuer failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or

(3) proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that the issuer failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision.

Notice of nonpayment or dishonor that includes a citation to and a description of the penalties in this section shall be sent by the payee or holder of the check to the maker or drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed on the check. Refusal by the maker or drawer of the check to accept certified mail notice or failure to claim certified or regular mail notice is not a defense that notice was not received.

The notice may state that unless the check is paid in full within five business days after mailing of the notice of nonpayment or dishonor, the payee or holder of the check will or may refer the matter to proper authorities for prosecution under this section.

An affidavit of service by mailing shall be retained by the payee or holder of the check.

Subd. 4. **Proof of lack of funds or credit.** If the check has been protested, the notice of protest is admissible as proof of presentation, nonpayment, and protest, and is evidence sufficient to sustain a finding that there was a lack of funds or credit with the drawee.

Subd. 5. **Exceptions.** This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check or a check issued to a fund for employee benefits.

Subd. 6. **Release of account information to law enforcement authorities.** A drawee shall release the information specified below to any state, county, or local law enforcement or prosecuting authority which certifies in writing that it is investigating or prosecuting a complaint against the drawer under this section or section [609.52, subdivision 2](#), clause (3)(a), and that 15 days have elapsed since the mailing of the notice of dishonor required by subdivisions 3 and 8.

This subdivision applies to the following information relating to the drawer's account:

(1) documents relating to the opening of the account by the drawer and to the closing of the account;

- (2) notices regarding nonsufficient funds, overdrafts, and the dishonor of any check drawn on the account within a period of six months of the date of request;
- (3) periodic statements mailed to the drawer by the drawee for the periods immediately prior to, during, and subsequent to the issuance of any check which is the subject of the investigation or prosecution; or
- (4) the last known home and business addresses and telephone numbers of the drawer.

The drawee shall release all of the information described in clauses (1) to (4) that it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee may not impose a fee for furnishing this information to law enforcement or prosecuting authorities.

A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision.

Subd. 7. Release of account information to payee or holder. (a) A drawee shall release the information specified in paragraph (b), clauses (1) to (3) to the payee or holder of a check that has been dishonored who makes a written request for this information and states in writing that the check has been dishonored and that 30 days have elapsed since the mailing of the notice described in subdivision 8 and who accompanies this request with a copy of the dishonored check and a copy of the notice of dishonor.

The requesting payee or holder shall notify the drawee immediately to cancel this request if payment is made before the drawee has released this information.

(b) This subdivision applies to the following information relating to the drawer's account:

- (1) whether at the time the check was issued or presented for payment the drawer had sufficient funds or credit with the drawee, and whether at that time the account was open, closed, or restricted for any reason and the date it was closed or restricted;
- (2) the last known home address and telephone number of the drawer. The drawee may not release the address or telephone number of the place of employment of the drawer unless the drawer is a business entity or the place of employment is the home; and
- (3) a statement as to whether the aggregated value of dishonored checks attributable to the drawer within six months before or after the date of the dishonored check exceeds \$250; for purposes of this clause, a check is not dishonored if payment was not made pursuant to a stop payment order.

The drawee shall release all of the information described in clauses (1) to (3) that it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision.

The drawee may require the person requesting the information to pay the reasonable costs, not to exceed 15 cents per page, of reproducing and mailing the requested information.

(c) A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision.

Subd. 8. Notice. The provisions of subdivisions 6 and 7 are not applicable unless the notice to the maker or drawer required by subdivision 3 states that if the check is not paid in full within five business days after mailing of the notice, the drawee will be authorized to release information relating to the account to the payee or holder of the check and may also release this information to law enforcement or prosecuting authorities.



EDINA POLICE DEPARTMENT
Fraudulent Check and Credit Card Report

Return to Officer _____ ICR _____ Date _____

Complainant/Victim:
 Name & Title _____ Business _____
 Bus. Address _____ City _____ Ph. _____
 Home Address _____ City _____ Ph. _____

Person Accepting Check or Credit Card
 Name & Title _____ Business _____
 Bus. Address _____ City _____ Ph. _____
 Home Address _____ City _____ Ph. _____

Person Passing Check or Credit Card
 Name first _____ middle _____ last _____
 Address _____ City _____ State _____ Zip _____
 Phone _____ Observe MN DL or photo ID? Yes _____ No _____
 Did passer match MN photo ID? Y ___ N ___ MN DL or nonqualified ID # _____
 Description- Race _____ Sex _____ Age _____ Ht _____ Wt _____ Hair _____
 Add'l _____ Can you identify? Yes _____ No _____

Document Data
 Class: NSF _____ No Account _____ Account Closed _____ Forgery _____ Credit Card Fraud _____
 Type: Business _____ Personal _____ Payroll _____ Other _____
 Check # _____ Credit Card/Check Acct # _____ Dated _____ Amt \$ _____
 Bank or Company drawn on _____
 Issued to (Payee) _____ Maker's Signature _____
 Merchandise received (incl. cash) _____

Return These Documents:

- Notice and Demand for Payment, Date Sent _____
- Forgery Affidavit (if applicable)
- Registered Mail Receipt or Notarized Affidavit of Mail Service
- Original Check
- Sales Receipt (if applicable)

On back of form, describe any contacts, phone calls, etc., you've had with the passer in attempting to collect the check. Include any promises to pay or admission about the writing of the check, the date, time, and nature of the contact.