



<b>WRITTEN DIRECTIVE</b>	No. <b>PD16-0503</b>	Page: <b>1 of 5</b>
Subject:  <b>Fugitives from Justice and Extradition</b>	Effective Date:	<b>08-02-16</b>
	Supersedes/ Amends:	<b>PD13-0503</b>
	Reference:	<b>70.5.1</b>



**I. Purpose**

The purpose of this directive is to provide guidance for the Lynchburg Police Department regarding the handling of fugitives from justice and prisoner extradition.

**II. Policy**

It shall be the policy of the Lynchburg Police department to work in conjunction with the Lynchburg Commonwealth’s Attorney’s Office in the handling of fugitives from justice and extradition of prisoners.

**III. Procedure**

Definition: *Extradition* – The legal surrender of an alleged criminal apprehended in one jurisdiction to another state. Established by the United States Constitution and governed by sections 19.2-84 through 19.2-118 of the Code of Virginia (1950), as amended.

The Captain of the Criminal Investigations Division (or his designee) serves as the Extradition Officer for the Lynchburg Police Department. All fugitive arrests and extradition issues will be referred to the Extradition Officer for follow-up.

- A. When the Commonwealth of Virginia is the “State of Asylum” for the fugitive, an IBR will be completed.
  - 1. Virginia or local charges need to be disposed of first; the officer will advise the demanding jurisdiction of any Virginia or local charges that are pending and the process of detainer and/or interstate agreement on detainees, where applicable.
  - 2. Officers/supervisors should assess the severity of the Virginia or local charges in determining if a *Warrant of Extradition* should be obtained.

- a. If the Virginia or local charges are significant enough to have the arrestee incarcerated, a *Warrant of Extradition* may not be necessary. (i.e. An individual is wanted from another state regarding a drug charge, however the arrestee is being detained in our jurisdiction regarding a homicide or serious malicious wounding and being held without bond.)
  - b. If the Virginia or local charges are of a minor nature and would not require committal to the jail, a *Warrant of Extradition* must be issued. (i.e. An individual has been charged in our jurisdiction on a misdemeanor drug charge that would not require committal to jail and it is determined that he/she is wanted in another state regarding a serious felony.)
  - c. In either situation (a or b above), Information Desk staff will provide the details of the arrest:
    - 1) no later than 0800 hours the next day
    - 2) to the Commonwealth's Attorney's Office and the Blue Ridge Regional Jail Records Office.
  - d. The demanding jurisdiction is to be notified by Information Desk personnel by telephone and/or teletype of the arrest or detention to confirm active warrants, a wanted status, and to establish if they will extradite;
  - e. If extradition is requested, the arresting officer should obtain a *Warrant of Extradition* by appearing before the Magistrate, outlining the reason for the arrest and presenting supporting documentation (for example – NCIC message, teletype messages, faxed copy of warrants, detainer, etc.).
2. Duties of Information Desk personnel.
- a. Once the fugitive is in custody, Information Desk personnel will formally notify the requesting jurisdiction by teletype. The message will include:
    - 1) The phone number of the Commonwealth's Attorney's Office (434-455-3760) fax (434-846-5038) and the Blue Ridge Regional Jail Authority's Records Office (434-847-1300 #110).

- 2) A request for confirmation that the requesting jurisdiction will extradite.
    - 3) A request for the name and phone number of the contact person within the requesting agency.
    - 4) A request for the specific charges placed against the detainee, and the potential sentence that each charge carries on conviction.
  - b. Copies of all reports, teletype messages, warrants, and information related to the fugitive from justice arrest must be forwarded immediately to:
    - 1) the Office of the Commonwealth's Attorney and
    - 2) the Blue Ridge Regional Jail Records Office.
  - c. In the event that an arrestee is identified as a wanted fugitive after the arresting officer has ended his/her tour of duty another officer may obtain the fugitive warrant and notify the Extradition Officer.
- B. When Virginia is the state from which the fugitive fled and Lynchburg is seeking the fugitive's return:
  1. The Captain of the Criminal Investigations Division (or his designee) serves as the Extradition Officer for the Lynchburg Police Department.
    - a. All fugitive arrests and extradition matters will be referred to the Extradition Officer for follow-up.
    - b. The Commonwealth's Attorney must authorize the return of an individual charged with committing a criminal offense in Lynchburg. Extradition will be limited to those cases where it is in the public's interest that the suspect be returned to face trial and where there is sufficient evidence likely to secure a conviction.
    - c. Any territorial limitations or conditions of extradition should be noted in the NCIC entry.
  3. Upon notification of the arrest of a person wanted by Lynchburg, Information Desk personnel will immediately contact the sending authority by teletype to confirm the warrant.

4. When extradition has been authorized and the fugitive is arrested within the applicable conditions, an *Agreement to Extradite* may be confirmed, giving the name and telephone number (434-455-6053) of the Extradition Officer as the contact person.
5. A teletype from the detaining agency confirming custody and a detaining agency contact name and number is required.
6. Copies of all teletypes and correspondence related to an extradition must be forwarded to the Office of the Commonwealth's Attorney and to the Extradition Officer.
7. Upon arrest of the fugitive, the Commonwealth's Attorney must be notified of the arrest.
8. Duties of the Extradition Officer.
  - a. The Extradition Officer will coordinate with the Office of the Commonwealth's Attorney to make contact with the detaining agency to determine status of any charges, and the expected date of availability for return to Lynchburg.
  - b. Should the fugitive waive extradition and agree to be returned to Lynchburg, the Extradition Officer will coordinate with the Office of the Commonwealth's Attorney for purposes of travel reimbursement and make arrangements to retrieve the prisoner when available (travel arrangements should not be made until confirmation is received from the Virginia Extradition Office in Richmond).
  - c. Should the fugitive wish to fight extradition, the Extradition Officer will notify the Commonwealth Attorney's Office to initiate the process for a Governor's Warrant.
    - 1) A copy of the **Virginia Extradition Manual** will be maintained at the Information Desk.
    - 2) Any questions regarding extradition matters may be directed to the CID Captain (or his designee).
    - 3) For the responsibilities of law enforcement officers arresting or detaining foreign nationals, refer to the booklet **Consular Notification and Access**, a United States Department of State publication, also maintained at the Information Desk.

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**70.5.1**

11. Duties of the Escort Officer

a. The escort officer will be responsible for:

- 1) Verifying the positive identification of the prisoner to be extradited through court documents and booking records assigned to the prisoner by the holding facility.
- 2) Maintaining all appropriate court documentation relating to the arrest and extradition process.
- 3) Obtaining information relating to the prisoner's escape or suicidal potential or other significant security information and notifying the holding facility receiving the prisoner.
- 4) Obtaining medical information and prescribed medications to be turned over to the holding facility receiving the prisoner.
- 5) Maintaining appropriate control of the prisoner at all times according to guidelines set forth in PD-2004, *Prisoner Transport*.

*Original Signed*

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Raul M. Diaz  
Chief of Police

August 2, 2016

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Date