



Extradition Policy

FC No.: 525

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I. Authority to Extradite

Extradition is a process used in returning wanted persons to Maryland from out-of-state jurisdictions. The decision to extradite is determined jointly by the State's Attorney's Office (SAO), the Fugitive *Section*, and the Warrant Control *Section (WCS)*. The day-to-day decisions on extradition cases will be handled by the *WCS*. In most cases, the *WCS* and the Fugitive *Section* will determine extradition status and/or the distance of extradition at the time of computer entry with the ultimate authority resting with the SAO. All cases involving individuals serving sentences in out-of-state jurisdictions should be referred to the SAO to initiate the Interstate Agreement on Detainers. (CALEA 74.3.1)

II. Considerations in Weighing Extradition

- A. The following factors, suggested by the Secretary of State's Extradition Manual, will be evaluated when determining whether to extradite:
 - 1. Circumstances of the case
 - 2. Character of the offense
 - 3. Magnitude of the offense
 - 4. Amount and/or strength of evidence that may provide proof in a criminal case
 - 5. Number of prior convictions and nature of the crimes
 - 6. Probability of the subject committing similar crimes in other communities
 - 7. Probable length of time of incarceration
 - 8. Financial cost of returning the subject
 - 9. Probability of a warrant of rendition (return of subject) being authorized by the governor of the asylum state (state in which subject is located)

10. Effect of a refusal (of the asylum state to issue a warrant) on those who may contemplate commission of a crime in the community

- B. Extradition will not be used as a collection process (i.e., to recoup money, property, or to make restitution). All pertinent facts will be investigated before making a recommendation or request for extradition.

III. Waiver or Refusal of Extradition

- A. An individual may waive the extradition process and consent to voluntary return to the demanding state. This decision may be made by the accused at any time during the extradition process. The officer must ensure the decision is made in writing and executed before a judge of a court of record. Failure to meet this requirement may result in the law enforcement officer being charged with a misdemeanor and fined up to \$1,000 and/or six months imprisonment.
- B. A refusal to waive the extradition process would result in the SAO making a request for the issuance of a Governor's Warrant.

IV. Overview of Extradition Guidelines

NOTE: The following are guidelines only and may be modified on a case-by-case basis in consultation with the SAO.

- A. Montgomery County will extradite from anywhere in the U.S. or its territories for the following crimes:
 - 1. All crimes (and conspiracies) listed in Article 27, Section 643B: abduction; first degree arson; kidnapping; manslaughter, except involuntary manslaughter; murder; rape; robbery; robbery with a deadly weapon; carjacking or armed carjacking; first degree sexual offense; second degree sexual offense; use of a handgun in the commission of a felony or other crime of violence; an attempt to commit any of the aforesaid offenses; first degree assault; and

assault with intent to commit murder, rape, robbery, first degree sex offense or second degree sex offense

2. Vehicular homicide
3. Child abuse
4. Violations of probation with at least five years of back-up time

B. Extradition decisions for the following crimes are made on a case-by-case basis:

1. CDS offenses and their conspiracies
2. Felony storehouse burglaries
3. Felony residential burglaries
4. Forgery, uttering, and felony theft
5. Auto theft (involving auto theft rings)
6. Violation of probation with three years back-up time
7. Family child abductions
8. All other extraditable felonies and misdemeanors

C. Montgomery County will also extradite from the D.C. Metropolitan Area (which includes parts of Virginia, West Virginia, Pennsylvania, Delaware, and New Jersey) for the following crimes:

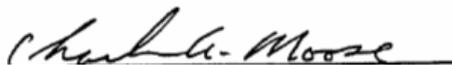
1. ***Felony theft***
2. Auto theft (does not include unauthorized use or auto theft rings)
3. ***Failure to register as a sex offender (outside of the D.C. Metropolitan Area on a case-by-case basis)***

D. Any charging document requesting or involving a future extradition should be forwarded and filed in the **WCS** so that it is available should extradition proceedings be activated/initiated.

V. **Proponent Unit:** Fugitive **Section**

VI. **Cancellation**

This directive cancels Function Code 525, effective date 06-04-99.



Charles A. Moose, Ph.D.
Chief of Police