



EXTRADITION POLICY

FC No.: 525

Date: 11-22-17

If a provision of a regulation, departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Authority to Extradite

- A. 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 *Unit (WCU)*. The day-to-day decisions on extradition cases will be handled by the *WCU*. In most cases, the *WCU* 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.

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.

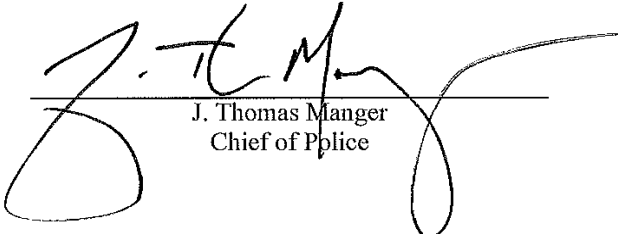
IV. Overview of Extradition Guidelines

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 *Criminal Law Section 14-101(a): abduction; arson in the first degree; kidnapping; manslaughter, except involuntary manslaughter; mayhem; maiming, as previously proscribed under Article 27, Sections 385 & 386 of the Code; murder; rape; robbery; robbery with a deadly weapon; carjacking or armed carjacking; sexual offense in the first degree; sexual offense in the second degree; use of a handgun in the commission of a felony or other crime of violence; an attempt to commit any of the aforesaid offenses; assault in the first degree; and assault with intent to murder, assault with intent to rape, assault with intent to rob, assault with intent to commit a sexual offense in the first or second degree.*
 - 2. *All felony CDS offenses and their conspiracies.*
 - 3. *Vehicular homicide.*
 - 4. *Child Abuse.*
 - 5. *Sexual abuse of a minor.*
 - 6. *First degree burglary; second degree burglary; felony storehouse breaking as previously proscribed under Article 27, Section 32 and 33 and former daytime and nighttime housebreaking under 30(a) and 30(b).*
 - 7. *Forgery, uttering, auto theft, thefts over \$1,000, and commercial credit card violation under 14-403 – Only after consultation with the State's Attorney's Office.*
 - 8. *Violations of probation with at least five years' back- up time.*
- B. *Montgomery County will extradite east of the Mississippi River for the following crimes:*
 - 1. *All other extraditable felonies and misdemeanors except those listed in "C" below.*
 - 2. *Violations of Probation with at least three (3) year's back- up time.*
 - 3. *Bad checks over \$1,000- Only after consultation with the State's Attorney's Office.*
- C. Montgomery County will also extradite from the D.C. Metropolitan Area (which includes parts of Virginia, West Virginia, Pennsylvania, Delaware, and New Jersey) *within a 200-250 mile radius* for the following crimes:
 - 1. *Misdemeanor thefts, assault/battery, weapons offenses, incarcerable traffic cases, all misdemeanor breaking & enterings, unauthorized use of a motor vehicle (UUV).*
 - 2. *Violation of Probation with at least one (1) year's back- up time.*
 - 3. *Bad checks under \$1,000.*
 - 4. *Failure to Register as Sex Offender (extradition radius may be extended on a case-by-case basis).*
 - 5. *Violations of Orders of Protection against domestic violence and violations of ex parte orders/ domestic violence (extradition radius may be extended on a case-by-case basis).*

- D.** *Extradition decisions for the following offenses will be made on a case by case basis in consultation with the State's Attorney's Office:*
- 1.** *Family Child Abductions*
- E.** *Non-extraditable offenses include non-incarcerable traffic offenses and violations of probation with back-up time of less than one (1) year.*
- F.** Any charging document requesting or involving a future extradition should be forwarded and filed in the **WCU** so that it is available should extradition proceedings be activated/initiated.
- V.** **CALEA Standards:** *1.2.1, 1.2.5, 70.1.1, 70.5.1, 74.3.1, 74.3.2*
- VI.** **Proponent Unit:** Fugitive Section
- VII.** **Cancellation**

This directive cancels Function Code 525, effective date **04-12-02**.



J. Thomas Manger
Chief of Police