




City of Manassas Police Department General Duty Manual



Effective Date: 08-21-2000	GENERAL ORDER	Number: 06-17
Subject: Fugitives		
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Accreditation Standards: 1.2.5	By Authority Of:  Douglas W. Keen, Chief of Police	Total Pages: 5

PURPOSE:

To outline procedures for the arrest and processing of fugitives from this jurisdiction (the Commonwealth of Virginia), or from another jurisdiction.

POLICY:

Every effort should be made to locate and arrest wanted fugitives from justice. The Department cooperates fully with other criminal justice agencies to ensure that fugitives are properly identified, located, and expediently brought to justice.

DISCUSSION:

N/A

PROCEDURE:

- I. **Fugitives From This Jurisdiction (The Commonwealth of Virginia), Located / Arrested in Another Jurisdiction**
 - A. Persons wanted by the Department should not be entered into the National Crime Information Center (N.C.I.C.) system, unless the Commonwealth's Attorney has specifically authorized the extradition of that person.
 - B. The Commonwealth's Attorney may give a qualified authorization to extradite within the Metropolitan D.C. region, limited to those fugitives arrested within the jurisdictions of Maryland and the District of Columbia. In those cases, the N.C.I.C. message should indicate "Extradition from Maryland and D.C. only."
 - C. When no extradition is authorized, wanted persons shall be entered into the Virginia Crime Information Network (V.C.I.N.) system within 72 hours of obtaining a felony warrant, pursuant to Code of Virginia Section 19.2-390. The phrase "Suspect likely to flee the jurisdiction of the Commonwealth," if appropriate, should be included in the message that is used as a detainer.
 - D. The status of the extradition process should be noted on the Incident Report at all times. Upon notification of the arrest of a fugitive from this jurisdiction, the Emergency Communication Specialist or other member receiving such notification must:
 1. Collect necessary information such as the complete details of the arrest, including the mailing address and telephone number of the arresting jurisdiction.
 2. Contact the Duty Supervisor, and advise him of the developments in the case.
 - a. The Duty Supervisor then contacts the primary officer and makes him aware of the developments in the case so that a Supplementary Report may be prepared, and the extradition process continued.
 - E. The Commander of Investigative Services reviews the case reports, determines current availability of witnesses, and reconfirms the extradition status of the case with the Commonwealth's Attorney.
 1. The primary officer coordinates his in-house activities with the Commander of Investigative Services.
 - a. The Commander of Investigative Services may designate a detective to serve as a liaison on a case-by-case basis.

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2. In the event that the fugitive refuses to waive the extradition hearing process, the primary officer or assigned detective, if so directed by the Commander of Investigative Services, is responsible for pursuing a Governor's Warrant (request) to affect the extradition of the fugitive.
 - a. The Commonwealth's Attorney coordinates all Governor's Warrant request processes, and delivers the completed request to the Virginia Governor's Office for evaluation.
 - b. The Virginia Governor's Office evaluates the Governor's Warrant request, and upon approval, delivers it to the Governor's Office of the jurisdiction (state) which is holding the fugitive.
 - c. The Governor's Office in the other jurisdiction evaluates the request, and upon approval, issues the Governor's Warrant, ordering extradition of the fugitive to the Commonwealth.
 - d. The Governor's Warrant is delivered to the local Sheriff in the other jurisdiction, who makes service on the fugitive. No copy of the Governor's Warrant is given to the accused or his attorney.
 - e. Once the Governor's Warrant is received by the local Court in the other jurisdiction, the accused has ten days in which to file a writ of habeas corpus. The writ is heard by that court, which determines whether the accused is to be set free (in which case the extradition process is immediately ended), or returned to the Commonwealth.
 - f. In the event that the accused does not file a writ of habeas corpus, the court issues a final extradition order, and officers from the Department perform the extradition.
 - g. In the event that the accused does file a writ of habeas corpus, the primary officer or assigned Detective from the Department may appear at the habeas corpus hearing and give evidence in the case. The local prosecutor's office of the other jurisdiction prosecutes the case. The court evaluates the evidence, and makes a final decision whether the fugitive is to be set free, or extradited to the Commonwealth.
 - h. In the event that the court rules against the fugitive in the habeas corpus hearing, officers from the Department perform the extradition.
 3. In the event that the fugitive waives the extradition hearing process, the primary officer or assigned detective, if so directed by the Commander of Investigative Services, coordinates the voluntary extradition process with the Commonwealth's Attorney.
 - a. In this event, the extradition hearing does not take place, because the fugitive, in effect, chooses to return to the Commonwealth voluntarily to stand trial.
- F. Details concerning expense payment for the extradition are confirmed through the Secretary of the Commonwealth, following the requirements in the Virginia Extradition Manual. The Commonwealth's Attorney designates a staff member to assist the primary / assigned officer in making extradition arrangements.
1. The Commonwealth requires that for any destination more than fifty miles one way from the originating jurisdiction, a State Travel Order request must be submitted at least 2 days in advance of the travel day, and must be approved before travel occurs.
 2. The Commander of Investigative Services is responsible for ensuring that the primary / assigned officer follows the requirements of the Virginia Extradition Manual, and that the Commonwealth has approved the travel order request before travel occurs.
 3. The Commonwealth must approve any officer substitutions on the travel order at least 2 days prior to the travel date.
- G. The Commander of Administrative Services details a sufficient number of officers / detectives to the extradition trip and coordinates with the Fiscal Specialist of the Administrative Services Division for the payment of expenses, pending reimbursement from the Commonwealth.
- H. Officers assigned to extradition duties are responsible for the transport of the fugitive in accordance with all applicable laws and directives concerning this activity.
- I. Federal regulations require that before law enforcement officers fly in a commercial aircraft while armed, they receive approved training. The Training Officer is responsible for ensuring that all officers have received this training prior to participating in an extradition involving commercial airline flights.

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II. Fugitives From Another Jurisdiction Located / Arrested In The Commonwealth of Virginia

- A. Fugitives arrested with local charges pending.
1. Officers arresting a person on local charges, while that person is also wanted in another jurisdiction, should not automatically seek a fugitive warrant. The circumstances of the fugitive status should first be explained to the magistrate. The Commander of Investigative Services should be notified during the course of business, to coordinate actions on the case.
 - a. The Commander of Investigative Services may designate a detective to serve as a liaison on a case-by-case basis.
 2. The prosecution of the local charges takes place independently of the extradition process to the originating jurisdiction.
 - a. The City Attorney's Office is responsible for the prosecution of local misdemeanor charges, and coordinates with the Commonwealth's Attorney as needed.
 - b. The Commonwealth's Attorney is responsible for the prosecution of local felony charges, as well as the extradition process to the originating jurisdiction.
 3. When the prisoner is delivered to the Adult Detention Center (ADC) for admission, the arresting officer should deliver a copy of the wanted status message received from the other jurisdiction, to the ADC, or otherwise notify the receiving official of the prisoner's wanted status so that a copy of the message may be obtained and included in the prisoner's file as a detainer.
 4. The ADC is responsible for notifying the Commonwealth's Attorney of the pending extradition case.
 5. The arresting officer then causes a message to be sent to the out of state agency for notification that the wanted subject has been arrested on local charges, and a copy of his wanted message has been filed at the ADC as a detainer. The mailing address and telephone number of the ADC and the Commonwealth's Attorney should be included in this message.
 6. The arresting officer records details and circumstances of the arrest in an incident report. A photocopy of any teletype messages should be added to the case file. The incident report is submitted to the Records Section, and the balance of the case file is forwarded to the Investigative Services Division. Further action on the case is coordinated by the Commander of Investigative Services as needed.
 7. The Commonwealth's Attorney coordinates all other prosecutorial actions on the fugitive's extradition to the originating jurisdiction. The Department provides assistance to that jurisdiction as requested.
- B. Fugitive located with no local charges pending.
1. Arrests are never based on an N.C.I.C. "hit" notice. Probable cause must exist to believe that the person about to be arrested is the same person described in the message, that valid warrants are still on file in the originating jurisdiction, and that extradition is still desired by the originating agency.
 2. An officer or PSCC member should confirm the wanted status with the originating agency and ensure that extradition is authorized. The officer / PSCC should obtain the originating agency's address and telephone number, original case number, and name of the officer assigned to the case.
 3. If confirmation of the wanted status can not be obtained from the originating agency, the officer should attempt to gain sufficient information from the suspected fugitive to help locate him at a later date, if necessary.
 4. In the event that the fugitive is arrested with no local charges pending, the officer should:
 - a. Obtain a fugitive warrant from the Magistrate, and process the fugitive through CCRE.
 - b. Cause a message to sent to the originating jurisdiction for notification of the arrest, any bail or release on recognizance arrangements as determined by the court, and the telephone number and address of the Department, the Commonwealth's Attorney, and the Adult Detention Center.
 - c. Prepare an incident report detailing the circumstances of the arrest, with photocopies of any teletype messages attached. The incident report is submitted to the Records Section.
 - d. Forward the balance of the case file, including copies of the fugitive warrants, CCRE form, and related teletype messages to the Commander of Investigative Services.

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- e. The Commonwealth's Attorney coordinates further actions on the fugitive's extradition to the originating jurisdiction. The Department provides assistance to that jurisdiction as requested.
- C. In the event that the fugitive "waives" (does not file a writ of habeas corpus in General District Court) extradition, the court imposes a 30-day limit to complete the extradition.
 - 1. The Commonwealth's Attorney is responsible for all subsequent prosecutorial actions.
 - 2. When extradition proceedings are waived by the accused in General District Court, the Commonwealth's Attorney notifies the originating jurisdiction by message and by telephone, that the accused has waived extradition, and that the originating jurisdiction has 30 days in which to pick the accused up from this jurisdiction.
- D. In the event that the fugitive refuses to waive extradition, the court imposes a 90-day limit to complete the extradition process.
 - 1. The Commonwealth's Attorney is responsible for all subsequent prosecutorial actions.
 - 2. Fugitives refusing to waive extradition before the General District Court are either confined or released on bail, as determined by the court.
 - a. In either event, the accused must reappear before the court after 30 days. At this time the judge may reconfirm the confinement or bond for an additional period of 60 days, or the court may elect to release the accused on bail or personal recognizance.
 - b. In any event, the period of confinement or bond can not exceed 90 days.
 - 3. The Commonwealth's Attorney reports the results of the court's procedures, by message and telephone, to the originating jurisdiction.
 - a. The originating jurisdiction is informed to start procedures to obtain a Governor's Warrant from the Virginia Governor's Office.
 - 4. Once a Governor's Warrant request has been issued by the Governor's Office of the originating jurisdiction, it is delivered to the Virginia Governor's Office, who evaluates it, and upon approval, issues a Governor's Warrant ordering the extradition of the fugitive to the originating jurisdiction.
 - a. During this process, the Department provides assistance to the originating jurisdiction as requested.
 - b. The Governor's Warrant is delivered to the local Sheriff, who makes service on the fugitive. No copy of the Governor's Warrant is given to the accused or his attorney.
 - c. Once the Governor's Warrant is received by the General District Court, the accused has 10 days in which to file a writ of habeas corpus. The writ is heard by the court, which determines whether the accused is to be set free (in which case the extradition process is immediately ended), or returned to the originating jurisdiction.
 - d. In the event that the accused does not file a writ of habeas corpus, the court issues a final extradition order, and officers from the originating jurisdiction perform the extradition.
 - e. In the event that the accused does file a writ of habeas corpus, the primary officer or assigned detective from the originating jurisdiction may appear at the habeas corpus hearing and give evidence in the case. The Commonwealth's Attorney prosecutes the case. The court evaluates the evidence, and makes a final decision whether the fugitive is to be set free, or extradited to the originating jurisdiction.
 - f. In the event that the court rules against the fugitive in the habeas corpus hearing, officers from the originating jurisdiction perform the extradition.
 - 5. Any Department involvement in the various stages of the extradition proceedings is recorded on supplementary incident reports and added to the case file.

IV. Fugitives from the City of Manassas, Arrested Within the Commonwealth of Virginia

- A. Fugitives from the City of Manassas or other Virginia jurisdictions are arrested within the Commonwealth of Virginia pursuant to the Code of Virginia Section 19.2-81.
- B. The Duty Supervisor is notified of any fugitive arrested in this jurisdiction or in another jurisdiction who is wanted by the Department.

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- C. In the event that the fugitive may not be transported to this jurisdiction immediately, the Duty Supervisor notifies the Commander of Investigative Services immediately, to coordinate actions on the case.
 - 1. The Commander of Investigative Services may designate a detective to serve as a liaison on a case-by-case basis.
- D. In the event that the fugitive may be transported to this jurisdiction immediately, the Duty Supervisor makes arrangements for transport of either prisoner or warrant(s) and ensures that:
 - 1. Appropriate notifications are made with other agencies.
 - 2. Necessary messages are sent and supplements filed by assigned officers.
 - 3. A sufficient number of officers are assigned to transport, with adequate resources.
 - 4. The Commander of Investigative Services is notified of the actions taken during the course of regular business.
- E. When either prisoner or warrants can not be transported within the Duty Supervisor's tour of duty, owing to lack of available personnel or resources, the Commander of Investigative Services should be notified immediately for assistance and to coordinate follow-up actions.

Attachments: N/A.

Index as: Fugitives.
Extraditions.
Governor's Warrant.
Wanted Persons.

Reference: The Code of Virginia Sections 19.2-81 and 19.2-390. (see <http://www.municode.com>).