



EXTRADITION

POLICY.

It is the policy of the Deschutes County Sheriff's Office – Adult Jail (AJ) to comply with the Uniform Criminal Extradition Act as it applies to fugitives lodged in the AJ.

PURPOSE.

The purpose of this policy is to provide guidelines for staff when a person is arrested in Deschutes County on warrants originating from another state.

OREGON JAIL STANDARDS:

- A-107 Compliance with ADA

REFERENCES:

- ORS 133.743-133.857 Uniform Criminal Extradition Act

DEFINITIONS:

Court Processed Fugitive Complaints. The inmate does not agree to a non-judicial waiver and is arraigned in Deschutes County court on the fugitive complaint. The fugitive charge is in addition to the originating agency warrant.

Fugitive. A person arrested in Deschutes County on a warrant originating from another state.

Governor's Warrant. The inmate is arrested on an out-of-state warrant, arraigned on a fugitive complaint in Deschutes County and does not waive extradition in court.

Non-Judicial Waiver. Fugitive inmates have the option to waive extradition to another state through non-judicial means.

PROCEDURES.

SECTION A: ARREST AND LODGING REQUIREMENTS FOR FUGITIVE WARRANT

A-1. Documentation. Prior to accepting the arrestee for lodging at DCAJ, 9-1-1 Dispatch will send the jail the NCIC/LEDS "hit" and **written** notification from the originating agency

confirming the fugitive warrant. Arresting Law Enforcement Officers (LEOs) will be required to remain with the arrestee until the confirmation is received at the jail.

SECTION B: NON-JUDICIAL WAIVER OF EXTRADITION GUIDELINES

- B-1. Option to Waive Extradition to another State.** During the booking process, the shift supervisor will offer fugitive inmates the option to waive extradition to another state through non-judicial means. (This waiver method does not involve any attorney or court.) Shift supervisors will not offer the waiver to an inmate that is mentally challenged or incapacitated, or vacillates on whether to sign the waiver or not. When offering the form, shift supervisors are not to answer questions that could be construed as legal advice.
- B-2. Specific Requirements for Form Completion.** The shift supervisor will comply with the following requirements:
- a. Must read *Explanation of Your Extradition Rights as an Alleged Fugitive Form No. 449* to the inmate, if the inmate is unable to do so on his or her own.
 - b. Must have a qualified translator translate the form orally or in writing for a non-English speaker. Shift supervisors may use over the phone interpreting or video remote interpreting via the contract interpreter service. All interpreting services offered and provided must be documented in the inmate's JMS Attachments.
 - c. The inmate must voluntarily sign the waiver.
- B-3. Signed Waiver Process.** The shift supervisor will ensure the following items are completed, when the inmate elects to sign a Non-Judicial Waiver:
- a. The inmate will be immediately scheduled for transport unless local charges prevent their transport.
 - 1) For Interstate Free Transports (IFT) warrants, schedule the person in LEDS/EPT according to current procedures.
 - 2) For non-shuttle warrants, the transport sergeant or designee will notify the other jurisdiction that they must arrange pickup and/or transport within the next 2-weeks. If the subject has not been transported within the 2-week period, the Corrections Captain may grant a one-week extension. The Sheriff must grant any longer extensions.
 - b. Ensure the inmate is not scheduled for arraignment on the fugitive charge by entering "*Non Judicial Waiver Signed*" and pending transport as the charge status in the Jail Management System (JMS). This information will appear in JMS Court Roster and will inform the District Attorney's Office and the courts of the signed waiver by the fugitive.
 - c. Request the originating agency FAX a copy of the original warrant to the jail, if not received. The warrant copy will be placed in the inmate's jail file.

- d. The District Attorney's Office will collect the required documents (fingerprints, photos, etc.) and send to the originating agency prior to the transporting of the fugitive.
- e. The Non-Judicial Waiver is a non-carbon registration (NCR) document. The original white copy will be placed in the designated file and will be provided to the transporting deputy from the originating agency when picking up the inmate. If the inmate is transported on the shuttle system, the original waiver will be sent with the inmate. The second canary copy will be placed in the inmate's identification file at the jail.
- f. The Explanation of Your Extradition Rights as an Alleged Fugitive must be signed by the inmate and witness and placed in the inmate's identification file.

SECTION C: NON-JUDICIAL EXTRADITION DECLINED GUIDELINES

- C-1. Refusal to Waive Non-Judicial Extradition.** Inmates who refuse to waive their non-judicial extradition rights shall be processed and scheduled for court, as per current procedures. All fugitive documents and teletypes will be sent to the District Attorneys Office for processing.
- C-2. Arraignment.** The inmate will be arraigned in court on fugitive charges. Staff will then follow orders from the courts. As with other inmates, fugitives must be arraigned during the first 36 hours of custody, excluding weekends and holidays.

SECTION D: WAIVER SIGNED AFTER ARRAIGNMENT GUIDELINES

- D-1. Waiver Signed.** If the waiver of extradition is signed after arraignment, the District Attorney's Office will notify the jail. The corrections transport supervisor or designee shall advise the originating agency via teletype, including when the fugitive is available for transport.
- D-2. Transportation.** Transportation will be arranged in accordance with Section B-3.
- D-3. Documentation.** When the originating agency takes custody of a fugitive, who waives extradition, the warrants staff shall fax a copy of the completed waiver to the Oregon Governor's Office.

SECTION E: GOVERNOR'S WARRANTS GUIDELINES

- E-1. Refusal to Waive Extradition.** If the prisoner refuses to waive extradition in court, the District Attorney shall request a Governor's Warrant and notify the originating agency to begin extradition proceedings.

- E-2. Governor’s Warrant Timelines.** The District Attorney’s Office will provide written documentation to the jail if the Governor’s Warrant is not received within the time designated by the local court.
- E-3. Governor’s Warrant Received.** When a Governor’s Warrant is received, the prisoner shall be notified. The transport supervisor or designee shall secure the warrant in the designated file and the demanding state will be notified.
- E-4. Transporting Documentation.** The transport deputy from the originating agency will be provided the original Governor’s Warrant and related documents when transporting the inmate.
- E-5. Documentation.** Copies of all related documents including teletypes will be filed in the inmate’s jail file.

SECTION F: PREVIOUS SIGNED WAIVER OF EXTRADITION

- F-1. Previous Signed Waiver of Extradition.** If the fugitive has signed a prior waiver of extradition in another state or county, the District Attorney’s Office will notify the jail. When the Parole and Probation department is aware of an arrest and a prior waiver has been signed as required in the *Interstate Compact Agreement*, the Deschutes County Parole and Probation staff will submit a copy of the Waiver of Extradition to the District Attorney’s Office and jail immediately after the arrest. After the jail receives direction from the District Attorney’s Office or the court, the jail will inform the demanding state the inmate is ready for pick up. Corrections staff will follow the proper steps for out-of-state transport arrangements.

SECTION G: BAIL GUIDELINES FOR FUGITIVES

- G-1. Accepting Bail for Inmates Prior to Arraignment.** If a fugitive seeks to bail out of jail prior to arraignment by a local judge, the jail will contact the originating jurisdiction for the following information: Bail amount, whether a percentage can be accepted or whether a full amount is required, address of where and who to send the bail to. The bail amount is to be sent directly to the appropriate jurisdiction and not to the local court system.
- G-2. Non-Judicial Waiver Fugitives.** Once an inmate has signed and authorized to be extradited to another state through non-judicial means, the inmate may not post bail without the originating jurisdiction’s consent.
- G-3. Court Processed Fugitives.** After arraignment by the local court, the bail amount set by the judge must be posted for the inmate prior to release from custody. The judge will note whether the full amount or 10% is required. If the bail is authorized and posted, the warrants staff will inform the District Attorney’s Office and the originating jurisdiction with bail and court information. The bail amount required by the local judge will supercede the bail amount on the original warrant. The monies received for bail will be sent to the local state courts for processing. The local judge may also authorize a

conditional release for the inmate prior to extradition. The necessary release paperwork will be completed by the courts and District Attorney's Office.

SECTION H: SPECIAL CIRCUMSTANCES

H-1. Non-Judicial Waivers Timelines. If the originating agency refuses to pick up the fugitive within 45 days, the shift supervisor will notify the District Attorney's Office and courts. The jail will follow the written orders from the courts.

H-2. Originating Agency Will Not Extradite. Once the fugitive process has begun with the courts, if the jail staff receives notification from the originating agency that they will not extradite the inmate, the shift supervisor will provide copies of teletypes and notify the District Attorney's Office as soon as possible. Releasing the inmate from custody will require a signed court order from the local judge authorizing the release of the inmate.

FORMS USED:

- *Bail Forfeiture Warning Notice*
- *Deschutes County Non-Judicial Waiver of Extradition Form No. 448*
- *Explanation of Your Extradition Rights as an Alleged Fugitive Form No. 449*
- *Security Release Agreement (State Court Document).*