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I. Policy

It is the policy of this division to follow the guidelines for extradition as established by the Montgomery County State's Attorney's Office when entering wanted persons *Meters*.

II. Authority to Extradite

Extradition is the process used to return wanted persons to Maryland from out-of-state jurisdictions. The decision to extradite an apprehended person shall be made jointly by the State's Attorney's Office, the Investigative Services Commander and the Chief, Park Police Division. *If extradition is not waived by the defendant then*, extradition status will be handled by the Investigative Services *Supervisor* with the ultimate authority resting with the Montgomery County State's Attorney's Office.

III. Extradition Considerations

A. The following factors will be evaluated when determining whether to request extradition:

1. Basic circumstances of the case.
2. Character of the offense.
3. Magnitude of the offense.
4. Amount and/or strength of evidence which may provide proof in a criminal case.
5. Number of prior convictions and nature of crimes.
6. Probability of suspect committing similar crimes in other communities.
7. Probable length of incarceration time.
8. Financial cost of returning the suspect.
9. Probability of a warrant of rendition to return the suspect being issued by the governor of the state in which the suspect is located.
10. Effect of a refusal to waive extradition.

B. Extraditions should not be used solely 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.

IV. Waiver or Refusal to Extradite

A. An individual may waive extradition and consent to voluntary return to the demanding state. This decision may be made by the accused at any time, but must be in writing and executed before a judge of a court of record.

B. A refusal to waive extradition would result in the making of a request for the issuance of a Governor's Warrant.

## V. Overview of Extradition Guidelines

The following guidelines have been prepared by the Montgomery County State's Attorney's Office. They are presumptive in nature and may be modified on a case-by-case basis in consultation with their office.

## A. Extraditions from anywhere in the U.S. or its territories:

1. All crimes *of violence* and conspiracies listed in *Maryland Criminal Law including*: "abduction; arson; burglary; daytime housebreaking; kidnapping; manslaughter, except involuntary manslaughter; mayhem; maiming; murder; rape; robbery; robbery with a deadly weapon; 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 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 degree; and assault with intent to commit a sexual offense in the second degree."
2. Vehicular homicide.
3. Child abuse.

## B. Extraditions 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. Family child abductions.
7. All other extraditable felonies and misdemeanors.

## C. Extradition from the greater D.C. metropolitan area only, generally within a 250 mile radius (which includes parts of Virginia, West Virginia, Pennsylvania, Delaware and New Jersey).

1. Thefts *over* \$1,000 in value.
2. Auto theft (does not include unauthorized use or auto theft rings).

D. Any limitation on extradition MUST be clearly identified in the miscellaneous field of the initial warrant entry.

## VI. Procedures

- A. Whenever a person wanted on a Division warrant is apprehended in another state, Communications will contact the Investigative Services Commander to review the warrant and determine if extradition conditions are met. The on-call state's attorney must verify that the extradition is still valid before any confirmation can be given. *The Chief of the Maryland National Capital Park Police, Montgomery County Division must approve all extraditable warrants of this Division prior to them being entered into NCIC.* Investigative Services will coordinate with the State's Attorney's Office and the arresting agency regarding extradition.

- B. Extradition status for warrants obtained by Division officers is determined by State's Attorney's Office.

**Approved Park Police Document  
Signed Original on File**

**End of Directive**