

Documentation and Execution of Criminal Process/Warrants

427.1 PURPOSE AND SCOPE

It is the policy of the Peoria Police Department to serve criminal warrants and to extradite in a timely manner those persons wanted on felony charges out of the Maricopa County Arizona Superior Court regarding cases initiated and investigated by the Peoria Police Department. (74.3.1)

427.2 DEFINITIONS

Criminal Process: Writs, summonses, mandates, warrants or other processes from a court of law compelling a person to answer for a felony.

427.3 PROCEDURE

When criminal process is received from the Maricopa County Sheriff's Office, the Administrative Assistant assigned to the Criminal Investigations Section (CIS) will time-stamp the process. The Administrative Assistant will also track the criminal process and will maintain the record of the process. This information will include the suspect's name, date of birth, case number (Peoria Police Department Incident Report (IR) number), warrant number, warrant issue date, charge, extradition team assigned and disposition of the process. The extradition team will document the assignment in a supplemental report to the original case IR and will also complete any and all checklists (Link to Extradition Checklist form #101-034) and travel documents.

The execution of criminal process will be accomplished in compliance with constitutional provisions, State of Arizona and federal statutes and related Peoria Police Department policy regarding arrest procedures and use-of-force guidelines. Criminal process shall only be served by sworn officers.

The Major Crimes Unit (MCU) of CIS will coordinate the return of fugitives from other states and countries once the subject has cleared the extradition process, and is available for release to the jurisdiction of the Peoria Police Department.

The Uniform Criminal Extradition Act, 18 United States Code (USC) 3182, provides that it is the duty of a state governor to deliver up a person from his or her state to another state when that person has fled the other state to avoid prosecution.

The demand for extradition must be in written form, and must be accompanied by a copy of an indictment, information, or magistrate's affidavit which charges the demanded person with a crime.

The Governor's warrant must be issued within ninety (90) days from the date of the fugitive's arrest, or the suspect must be released from custody.

International extraditions are governed by 18 USC, Sections 3181 to 3195 and are coordinated through the United States Justice Department, officer of International Affairs. Extradition of any suspect from outside the United States, or its Territories, will be accomplished in compliance with U.S. Code. Following the completion of the extradition proceedings, the Office of International Affairs will contact the MCU Extradition Coordinator,

Peoria Police Department

Policy Manual

Documentation and Execution of Criminal Process/Warrants

which will coordinate taking custody of the suspect and returning them to Maricopa County. Under no circumstances should Peoria Police Department personnel contact the authorities of another country for the purpose of having a subject wanted in this jurisdiction arrested. The international extradition procedures are set by treaties, and the premature arrest of an individual could jeopardize their eventual extradition from that country. Peoria Police Department personnel contacted by authorities from other countries and a request made to arrest an individual wanted in their jurisdiction should refer that request to the MCU Supervisor and Extradition Coordinator.

MCU is responsible for the return to Maricopa County of fugitives extradited from jurisdictions outside the State of Arizona. Under no circumstances should Peoria Police Department personnel other than those assigned to the MCU contact another jurisdiction to make arrangements for the return of fugitives from other states or countries. The designated Extradition Coordinator within MCU will be the contact person for the Peoria Police Department and is responsible for administering the Extradition Program with oversight from the MCU Sergeant.