

BERKELEY POLICE DEPARTMENT

DATE ISSUED: April 5, 2010

GENERAL ORDER A-54

SUBJECT: ARREST OF FUGITIVES FROM OTHER STATES

PURPOSE

- 1 - The purpose of this General Order is to delineate procedures governing the arrest and processing of fugitives from other states.

POLICY

- 2 - Berkeley Police Department personnel shall follow all statutory law and the procedures set forth in this Order as they relate to the arrest of fugitives from other states.

PROCEDURES

- 3 - A fugitive from another state may be arrested without a California warrant upon reasonable information that:
 - (a) The accused stands charged in the courts of any other state with a crime punishable by death or imprisonment for a term exceeding one year;
 - (b) **The person has been convicted of a crime punishable in the state of conviction by imprisonment for a term exceeding one year and thereafter escaped from confinement; and/or,**
 - (c) **The person has** violated the terms of his/her bail **associated with a felony offense, felony** probation, or parole.
- 4 - Reasonable information means this Department has received **one or more of the following:**
 - (a) A certified copy of the complaint or indictment stating that the crime is a felony.
 - (b) A certified copy of the felony warrant and a statement in the letter of transmittal that the demanding agency will extradite.
 - (c) A teletype requesting an apprehension be made or a detainer placed against someone in custody and that the above documents exist.
 - (d) An NCIC "hit" on a prisoner who has been taken into custody on another matter **and** the employee placing the hold **has:**
 - (1) Immediately **confirmed** the warrant by telephone.
 - (2) **Directed** the agency holding the warrant to immediately send an abstract of the warrant to the Berkeley Police Department and state that they are willing to extradite.

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- (3) Advised the prisoner of the **additional** charges placed against him/her.
- 5 - A fugitive so arrested shall be booked on a charge of **PC §1551.1** and NO BAIL set, regardless of the charges and/or documentation from the demanding agency.
- 6 - On the first court date following the arrest, the fugitive shall be delivered to the custody of the Alameda County Sheriff's Department, **who** will be responsible for processing the fugitive through the court **system** and delivering him/her to the demanding agency.

 - (a) Originals of all teletypes and other documents shall be delivered to the Court Marshals at the time the fugitive is turned over to them.
 - (b) Copies of all such documents shall be forwarded to **and maintained by** the **Record Bureau**.

References: Penal Code §1551.1
General Order J-1