

BERKELEY POLICE DEPARTMENT

DATE ISSUED: January 13, 1994

GENERAL ORDER P-46

SUBJECT: EXTRADITION OF PRISONERS

PURPOSE

- 1 - The purpose of this General Order is to delineate procedures governing the extradition of prisoners, as well as handling of expenses incurred during extradition.

POLICY

- 2 - Berkeley Police personnel shall follow all statutory law, local rules and regulations, and policy set forth in this Order as they relate to the extradition of prisoners.

PROCEDURES

- 3 - In the case of a contested extradition, the **Warrant Detail Sergeant** will coordinate arrangements for the return of the prisoner with the Extradition Deputy, Alameda County District Attorney's Office.
- 4 - In the case of extraditions which are not contested, the **Warrant Detail Sergeant** will coordinate the processing of the extraditions. Immediately upon the return of the officer(s) with the prisoner, the **Warrant Detail Sergeant** shall prepare and forward to the Legal Affairs Secretary of the Governor's Office a letter requesting a Governor's Nunc Pro Tunc Warrant and the appointment of the transporting officer(s) as State Agent(s). The letter must contain the prisoner's name, charge, date of return and from where returned in addition to mentioning the following items which will be enclosed in the letter:
 - (a) The Waiver of Extradition signed by the prisoner prior to his return.
 - (b) An "Affidavit of Fugitive Disposition."
- 5 - Upon receipt of the Nunc Pro Tunc Warrant, it shall be completed by the transporting officer and endorsed by the Custodian of the Berkeley City Jail (the Captain of the **Support Services Division**) or the **Warrant Detail Sergeant**. The **Warrant Detail Sergeant** shall be responsible for mailing the completed warrant to the Legal Affairs Secretary with a cover letter mentioning that on the same date the Agent's Travel Expense Form with proper attachments is being forwarded to the State Controller.
- 6 - At the time the Nunc Pro Tunc Warrant is returned to the Legal Affairs Secretary, the **Warrant Detail Sergeant** shall prepare and mail a letter to the State Controller which shall mention and contain the following enclosures:

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- (a) Agent's Oath of Allegiance which is to be signed in the presence of and certified by a Deputy District Attorney.
 - (b) A letter from the Senior Deputy District Attorney certifying that the fugitive was in fact arraigned in court on the charge for which he was extradited.
 - (c) An expense account, in triplicate, on State Form Aud 5 supplied by the State of California.
- 7 - The officer(s) returning the prisoner shall also complete a City of Berkeley Expense Account Form. The per diem expenses shown on this and the State Expense Form shall be the same (i.e., meals, lodging, telephone, parking, etc.) and must not exceed the amounts authorized by the State Controller. (Note: The State form will also include the other City of Berkeley expenditures for travel that the officer did not personally pay such as airline tickets and car rental.) Necessary receipts shall be attached to the expense forms.
- (a) The City of Berkeley expense account and a copy of the State expense account shall be forwarded to the Public Safety **Business Office** as soon as possible.
 - (b) Car rental receipts shall be forwarded to the **Public Safety Business Office** accountant for payment as soon as possible.
- 8 - The original of State Form Aud 5 will be forwarded by the **Warrant Detail Sergeant** to the State Controller with the accompanying letter and other enclosures. The copy of the State form will be attached by the Public Safety **Business Office** to the City of Berkeley expense account which will then be routed in the normal manner to the City Auditor. The third copy of State Form Aud 5 should be retained by the officer for his/her records.
- 9 - The expense account shall be supported by receipts covering all items of expense except meals or public transportation.
- 10 - If any monies advanced to the officer(s) by the Public Safety **Business Office** exceed his/her actual and necessary expenses, the balance shall be returned to the Public Safety **Business Office** as soon as practical after the officer **returns**.
- 11 - Immediately upon receipt of his/her expense check from the City of Berkeley, the officer shall endorse it payable to the "City of Berkeley" and deliver it to the **Public Safety Business Office** as reimbursement for the advance. In the event his/her expenses exceeded the amount advanced or if no advance was made, the check should be cashed and he/she shall retain the amount necessary to cover the additional expenditures. The balance should be delivered to the Public Safety **Business Office**.

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- 12 - Immediately upon receipt of the expense check from the State Controller, the officer shall endorse the check payable to the "City of Berkeley" and deliver it to the Public Safety **Business Office** who will deposit it with the City Treasurer. In the event the State disallows some of the expense claims, this fact must be brought to the attention of the Public Safety **Business Office** who will arrange for the necessary transfer of money to cover the deficit that will exist in the Extradition Fund.

References: General Orders C-46, J-1, P-47, and V-3
Police Regulations 200, 202, 204, 206, 207 and 271
CALEA Standards