

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: DUTY MANUAL REVISIONS:
L 3900 RETURN OF WANTED
PERSONS**

DATE: April 6, 2022

APPROVED

Memo# 2022-011

BACKGROUND

A review of Duty Manual chapter L 3900 - RETURN OF WANTED PERSONS discovered revisions were necessary to bring it into alignment with best practices.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike through~~ form.

L 3900 RETURN OF WANTED PERSONS:

No Change – Included for Continuity

When necessary and practical, the Department will respond to out-of-county jurisdictions and take into custody any person held as a result of criminal conduct originating in the City of San Jose.

L 3901 RETURN OF WANTED PERSONS:

Revised 04-06-22

~~The Extradition Lieutenant oversees the Department's extradition program; the Deputy Chief of BOI designates the Extradition Lieutenant. The Extradition Sergeant is responsible for the day to day coordination of coordinating the return to San Jose of all persons wanted for criminal conduct originating within the Department's jurisdiction to San Jose.~~ *Each investigative unit's Lieutenant or Sergeant is responsible for the day-to-day coordination of the return of all wanted persons for criminal conduct originating in San Jose relating to their respective unit.*

L 3902 NOTIFICATION:

Revised 04-06-22

When a Department member receives official notification that an ~~outside~~ *out of county* agency is holding an individual wanted by this Department, the ~~Extradition Lieutenant or Extradition Sergeant shall~~ *Lieutenant or Sergeant supervising the investigative unit*

responsible for the crime type committed shall be advised as soon as possible by the member receiving the notification. The ~~Extradition Lieutenant or Extradition Sergeant unit Lieutenant or Sergeant~~ shall be notified as follows:

- NOTIFICATION VIA TELETYPE, FAX TELEPHONE, RADIO OR LETTER: The Department member receiving the notification will forward a copy of the notification to the responsible investigative unit Lieutenant or Sergeant ~~Extradition Lieutenant or Extradition Sergeant~~.

The notification should include the following:

- Name of notifying agency and telephone number
- Name of the person in custody and the charge
- Case number or warrant number
- Date of arrest by outside agency
- ~~Date pick-up can be made~~ Last day for pickup
- Other appropriate data as necessary
- Name of person making the notification

L 3903 METHOD OF PRISONER PICK UP:

No Change – Included for Continuity

Wanted persons held by outside agencies are returned to San Jose in accordance with the following procedures.

L 3904 IN STATE:

Revised 04-06-22

~~Under the supervision of the Extradition Lieutenant, the Extradition Sergeant is~~ responsible for coordinating the return of wanted persons held by other agencies within the state. When notified of a wanted person in custody at another agency, the Lieutenant or Sergeant supervising the investigative unit responsible for the crime type committed shall determine if the wanted person will be returned to San Jose. If the wanted person shall be returned, the responsible original BOI unit shall complete ~~be responsible for the return of the wanted person, which includes the following:~~ processing the necessary documents, prisoner pick-up, booking the prisoner, and submission of the final extradition papers. The officer (s) conducting the return of the wanted person shall advise the unit Lieutenant or Sergeant ~~Extradition Sergeant~~ when each step of the process is completed per L 3907 COORDINATING THE EXTRADITION PROCESS.

~~NOTE: The Extradition Lieutenant has the discretion to use the extradition contract services of the Santa Clara County Sheriff's Department for in-state returns of wanted person per the Memorandum of Agreement.~~

L 3905 OUT-OF-STATE:

Revised 04-06-22

~~Under the supervision of the Extradition Lieutenant, the Extradition Sergeant~~ The Lieutenant or Sergeant supervising the investigative unit responsible for the crime type committed is responsible for coordinating the extradition of wanted persons held by out-of-state agencies. When notified that a wanted person is in custody at an out-of-

L 3907 COORDINATING THE EXTRADITION PROCESS:

Revised 04-06-22

The ~~Extradition Sergeant~~ will maintain a log indicating the completion of each step of the extradition process. The One of the officer(s) handling the extradition is responsible for advising the ~~Extradition Sergeant~~ their Sergeant or Lieutenant of the following:

- Name and badge number of officer(s) making the pick up
- Date extradition was waived/not waived
- Date the wanted person was available for pick up
- Date conference with District Attorney was completed
- Date Governor's warrant was applied for (if no waiver was obtained)
- Date Governor's Office was notified of response by officer (s) (if waiver was obtained)
- Date pick up was made
- Date final papers were submitted to Governor's Office
- Notification to OSSD that pick up was completed

When questions arise as to proper procedure, the ~~Extradition Lieutenant or Extradition Sergeant~~ unit Lieutenant or Sergeant may be contacted, but the officer handling the extradition is responsible for completing each step of the process as soon as possible.

L 3908 PROCESSING STATE REIMBURSEMENT:

Revised 04-06-22

The State of California will reimburse the Department for the cost of extraditing wanted persons from another state. The officer handling the prisoner pickup will submit all necessary paperwork to ensure that the Department is reimbursed. The ~~Extradition Sergeant~~ unit Lieutenant or Sergeant will be notified when the extradition process is completed.

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



Anthony Mata
Chief of Police