



Illinois Department of Corrections

Administrative Directive

Number:
05.50.205

Title:
Extradition of Fugitives

Effective:
3/1/2022

Authorized by:	<i>[Original Authorized Copy on File]</i> Rob Jeffreys Director
Supersedes:	05.50.205 effective 8/15/2000

Authority: 45 ILCS 10/2 725 ILCS 230/1 730 ILCS 5/3-4-4 and 3-8-9	Related ACA Standards: 5-ACI-1A-07 and 10, 5-ACI-1F-01, 02, 06, 08, 5-ACI-1E-01 and 05
Referenced Policies: 01.07.928, 05.50.201, 05.50.210	Referenced Forms: DOC 0008 – Receipt for Warrant – Parole Division DOC 0071 – Parole Violation Report DOC 0104 – Parole or Mandatory Supervised Release Agreement DOC 0195 – Parole Warrant

I. POLICY

The Extradition Officer of the Parole Division shall coordinate and effect the return of fugitives from out of state custody, using the most efficient means under due process of law.

II. PROCEDURE

A. Purpose

The purpose of this directive is to establish a written procedure for staff governing the return of fugitives who are in another state.

B. Applicability

This directive is applicable to the Parole Division.

C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. Definitions

Asylum state – the state that has temporary custody of an alleged criminal.

Demanding state – the state of criminal jurisdiction or the state charging the fugitive with a felony.

Extradition – the surrender of an alleged criminal, under the provisions of a statute or treaty, by one state or jurisdiction to another for the purpose of criminal prosecution.

Extradition Officer – the person designated by the Chief of Parole who is responsible for coordinating and effecting the return of a fugitive from out of state custody.

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Fugitive – a committed person under the care, custody and control of the Department of Corrections for whom a warrant of arrest has been issued pursuant to 730 ILCS 5/3-9-6, 3-13-4 or 3-14-2.

Governor's warrant – a warrant issued by the Governor of the demanding state to the Governor of the asylum state for the return of a person charged with a felony.

Requisition – demand, under provisions of statute, by one state to another state for the return of a juvenile runaway, escapee or absconder.

F. General Provisions

1. The Extradition Officer shall coordinate and effect the return of fugitives from out of state custody.
2. Case files shall be prepared and maintained in accordance with Administrative Directive 05.50.201.

G. Requirements

1. Upon receiving notification that a fugitive is in custody out of state, the Extradition Officer shall:
 - a. Determine that the warrant is still active;
 - b. Verify that the person in custody is the fugitive;
 - c. Determine whether or not to extradite; and

NOTE: If over 300 miles from the border of Illinois and past the fugitive's discharge date, a request for verification of extradition shall be submitted to the Chief of Parole for approval.

- d. If the warrant is active and the fugitive is in custody, notify the holding facility in writing that he or she is the liaison for the return of the fugitive and whether we intend to extradite.
2. The Extradition Officer shall determine whether:
 - a. There are any pending felony charges against the fugitive in the holding state;
 - b. The fugitive has been sentenced for commission of a felony in the holding state; or
 - c. The fugitive is available for return to Illinois and:
 - (1) The pre-signed Parole or Mandatory Supervised Release Agreement, DOC 0104, is accepted by the holding state; or
 - (2) A signed waiver is sent to the Extradition Officer by the holding state.
3. If it is determined that there are pending felony charges against the fugitive in the holding state, the Extradition Officer shall lodge a warrant detainer and review the status of the case every two months.
4. When it is determined that the fugitive has been sentenced by the holding state for commission of a felony, the Extradition Officer shall determine the appropriate disposition based on the circumstances.

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5. When it is determined that the fugitive is available for return to Illinois, the Extradition Officer shall:
 - a. Confirm the intent to return the fugitive to Illinois with the holding facility.

NOTE: For Interstate Compact Releasees, Interstate Compact shall be notified via email to confirm the fugitive is ready for pick-up.
 - b. Determine whether the fugitive has waived extradition or refuses to waive extradition.
 - c. Determine if the extradition will be via Air or Road.
 - (1) If Road Extradition, the Extradition Officer shall:
 - (a) Coordinate with the Commander of the Parole Office closest to the holding facility for an extradition of the fugitive back to Illinois. The notification shall include the warrant, warrant receipt and waiver of extradition.
 - (b) Once the Commander assigns Agents for the extradition, forward the notification to the Warrant Officer.
 - (c) Send the notice to the holding facility via email or phone.
 - (2) If Air Extradition, the Extradition Officer shall:
 - (a) Submit a request to the Chief of Parole for verification of extradition via air.
 - (b) Once approved, submit a written request to the Travel Agent requesting flight, car rental and hotel accommodations, if applicable.
 - (c) Submit a written request to Fiscal Operations staff for approval of travel expenses.
 - (d) Request TSA information for the Agents via LEADS.
 - (e) Send a parking request to airport police.
 - (f) When applicable, submit a request to the Transport Passenger Under Escort.
 - d. Prepare the fugitive file for the transporting officer, which shall include the following, as appropriate:
 - (1) Itinerary of Flights, Car rental reservation and Hotel reservation;
 - (2) Parole Warrant, DOC 0195;
 - (3) Receipt for Warrant – Parole Division, DOC 0008;
 - (4) Waiver of Extradition;
 - (5) Parolee’s photograph;
 - (6) All pertinent file material;

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- (7) Information regarding CMS car insurance coverage; and
 - (8) Parole Violation Report, DOC 0071.
 - e. If travel to return a fugitive is made by air, the transporting officer shall follow the directives of the office of Air Transportation Security, Federal Aviation Administration.
 - f. If travel to return a fugitive is made by motor vehicle, such travel shall be consistent with the requirements of Administrative Directive 05.50.210.
 - 6. If the fugitive has refused to waive extradition and he or she is not recognized as a juvenile in this state and the asylum state, the Extradition Officer shall:
 - a. Request an extradition packet from the appropriate facility in accordance with Administrative Directive 01.07.928.
 - b. Upon receipt of the extradition packet(s), process the documents therein and forward to the Governor's Extradition Secretary, in Springfield, Illinois with a letter containing the:
 - (1) Fact that the fugitive refuses to waive extradition.
 - (2) Name of the fugitive.
 - (3) Location of the subject.
 - (4) Criminal background of the fugitive.
 - (5) Intention to extradite.
 - (6) Name of the agent who will return the fugitive to Illinois custody.
 - c. Upon notification that the Governor's warrant has been received in the asylum state, arrange return of the fugitive in accordance with Paragraph II.G.6.
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