



POLICY
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: SUPERVISION, REENTRY: PAROLE SERVICES DIVISION EXTRADITION VIA GOVERNOR’S WARRANT PROCESS		Policy Number: 12.4.05.10
Date of Issue: December 13, 2021	Authority: Signature on File George M. Little	Effective Date: December 20, 2021 PUBLIC

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

Compacts between States for cooperation in prevention of crime; Consent of Congress (80 Stat. § 608; 4 U.S.C. § 112), and the Interstate Compact for the Supervision of Adult Offenders. (61 Pa.C.S. § 7112)

Uniform Criminal Extradition Act, 42 Pa.C.S. §§ 9143 and 9144(b)(c) and 9148.

II. PURPOSE

This policy sets forth the process for effecting an extradition via Petition for Requisition, a Governor’s Requisition, and a Governor’s Warrant for Rendition when a pre-signed waiver of extradition is not honored. It is commonly known as the “Governor’s Warrant process.”

III. APPLICABILITY

This policy is applicable to supervision staff and Parole Services Division (PSD) staff involved in the extradition and transportation of violators to Pennsylvania custody.

This policy does not apply to reentrants who have executed the Offender Application and been transferred through the Interstate Compact for Adult Offender Supervision¹ (ICAOS) to any of the signatories to that Compact (all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Island territories of St. Croix, St. John, and St. Thomas). For retake of Interstate Compact offenders, refer to Policies **12.4.05.06, Central Office Supervision Responsibilities for Compact Transferred Offender** and **12.4.05.08, Arrest of Absconders Outside of PA**.

IV. DEFINITIONS

Refer to Policy **12.4.05.01, Glossary**.

V. POLICY

It is the policy of the Department to process all cases involving extradition of reentrants in accordance with the Uniform Criminal Extradition Act (42 Pa.C.S.A. § 9121 – 9148 et. seq).

VI. PROCEDURES

- A. When a reentrant is apprehended or arrested in any state or territory other than Pennsylvania, that reentrant is a fugitive. If the fugitive reentrant refuses to waive extradition to Pennsylvania, PSD staff shall review all available materials and determine whether the reentrant has been accepted for transfer through ICAOS. ICAOS cases include an Offender's Application for Interstate Compact Transfer, which is a pre-signed waiver of extradition to be honored by all 53 signatories to the Compact.²
- B. If the fugitive reentrant refuses to waive extradition to Pennsylvania, PSD staff shall ask authorities in the asylum state to recognize and honor the pre-signed waiver of extradition existent on the **PB-11, Conditions Governing Parole**.
- C. If the asylum state does not honor the pre-signed waiver and order the rendition of the fugitive reentrant to Pennsylvania, staff shall initiate the process described herein to accomplish the extradition. Because a final Governor's Requisition must be filed in the asylum state within 90 days of the fugitive arrest, staff shall process in a timely manner.
 - 1. Staff prepare and submit a Petition for Requisition ("Petition") to the Governor's Office of General Counsel ("OGC").
 - 2. OGC reviews and notifies staff of any necessary changes. Upon completion, OGC prepares a Governor's Requisition. The Governor's Requisition is a formal

¹ 4-APPFS-2A-16

² 4-APPFS-2A-16, 4-APPFS-2B-01

demand for the return of a fugitive, signed by the Governor, and certified by the Secretary of the Commonwealth.

3. OGC sends the Governor's Requisition to the state extradition official in the asylum state.
 4. If approved by the asylum state, the asylum state's extradition official prepares a Governor's Warrant of Rendition.
 5. The Governor's Warrant of Rendition is issued in the asylum state, and executed by arrest of the fugitive reentrant.³
 6. The fugitive reentrant is held without bail on authority of the governor of the asylum state.
 7. The extradition coordinator in the asylum state notifies PSD staff when the fugitive reentrant is available for extradition.
 8. PSD staff coordinate extradition with all involved parties, and causes the custodial transportation of the fugitive reentrant to the appropriate destination in Pennsylvania.
- D.** No two Petitions are exactly alike. All Petitions put forth the justification for demand of a fugitive reentrant, and assert the legal authority to do so with supporting documentation. Specific language and documentation will differ on each case. Staff shall analyze, scrutinize, and prepare a high-quality Petition, as it is the basis for official action by the Department, the Governor, and the Secretary of the Commonwealth.
- E.** When staff determine that a Governor's Requisition will be necessary in order to extradite a fugitive reentrant, staff shall:
1. request written notification from asylum state advising to begin the Governor's Warrant process. If asylum state does not provide written notification, a documented verbal notification may be sufficient;
 2. record the Governor's Warrant status for the case on the District Office cases with PSD warrants tracking tool;
 3. update electronic reentrant record (ERR)⁴ indicating that the case is on a Governor's Warrant track with ongoing record maintained in ERR of staff activity;

³ 4-APPFS-2B-04

⁴ 4-APPFS-3D-29

4. contact Department Central Records and request certified copies of each judgment of conviction on file for each active-supervision case, and an Affidavit affirming said copies to be genuine;
 5. contact Pennsylvania State Police Automated Fingerprint Identification System unit and request that they provide emailed fingerprints as well as certified fingerprints by mail;
 6. obtain relevant documents from ERR⁵ or other accessible electronic files:
 - a. **PB-10, Order to Release on Parole/Reparole** and **PB-11**;
 - b. **DC-P 62A, Wanted Notice Request** showing current violation of parole and reason for a Governor's Requisition;
 - c. **DC-P 6, Interstate Warrant**;
 - d. wanted poster including color photo from the Justice Network (JNET) WebCPIN application;
 - e. documentation of the current arrest such as Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) fingerprint notification, incident report from the arresting law enforcement agency, saved query from an inmate locator site, etc.;
 - f. copies of the applicable PA statutes for the conviction offense(s);
 - g. signature page of Department warrant officers; and
 - h. signature page of agents of contracted prisoner transportation provider.
 7. analyze all documentation for demographic and physical identifiers, and complete an Identification Report form; and
 8. complete a draft Type 5 Petition and review with PSD parole manager.
- F.** Manager reviews documentation to ensure accuracy and consistency of information, and coordinates necessary action with technician. The manager prepares a Supporting Affidavit to include:
1. identification of affiant and status as a deputized agent and officer of the Commonwealth;
 2. description of the conviction and sentence including applicable dates and locations;

⁵ 4-APPFS-3D-29

3. a brief history of supervision beginning at the date of release on parole, including date and circumstances of absconding, details of arrest as fugitive, and description of current status of the fugitive matter in the asylum state; and
4. statement that the affidavit supporting extradition is made in good faith in order to prosecute the fugitive reentrant for violation of parole.

G. Upon completion of Affidavit, staff assemble all documentation in a draft form to provide to OGC for review (extraditions@pa.gov). Because no two Petitions are identical, the documentation and its sequence will differ from case to case. The following sequence is a general guide.

1. Petition for Requisition.
2. Supporting Affidavit.
3. Identification Report.
4. Affidavit of Records Officer.
5. Certified copy of Judgments of Conviction.
6. **PB-10/11.**
7. **DC-P 62A.**
8. **DC-P 6.**
9. JNET wanted poster with color photo.
10. Certified fingerprints.
11. Documentation showing arrest in the asylum state.
12. Written notification to pursue a Governor's Warrant.
13. PA statute(s) for the conviction offense(s).
14. Signature page of Department warrant officers.
15. Signature page of contracted prisoner transportation provider.

H. PSD staff make necessary changes based on the advice and counsel of OGC, and obtain approval to formally submit the Petition.

1. Upon approval, staff assemble paper documents under blue backs. OGC will advise how many copies are needed. Typically, the requirement is one original and two or three copies.
2. Manager signs each Supporting Affidavit and each Identification Report in presence of a notary.
3. Staff obtain signature of the Department of Corrections Secretary on each Petition for Requisition.
4. Staff affix the seal of the Pennsylvania Department of Corrections on each Petition.
5. A notary notarizes each Petition for Requisition.
6. Staff send the physical documents to OGC via courier.
7. Staff upload a complete copy of the final Petition to ERR at group Extradition, type Governor's Rendition and update ERR,⁶ indicating that the final, approved Petition was provided to OGC.

I. Upon confirmation from the asylum state that a Governor's Warrant for Rendition has been issued, PSD staff make the arrangements for extradition to an appropriate facility in Pennsylvania. ERR⁷ shall be updated to document activity as needed by staff. Specific procedures for extradition are found in Policy **12.4.05.08**.

VII. SUSPENSION DURING AN EMERGENCY

The Secretary of the Department of Corrections may suspend this policy in case of an emergency.

VIII. RIGHTS UNDER THIS POLICY

This policy creates no rights under law.

IX. RELEASE OF INFORMATION AND DISTRIBUTION OF POLICY

A. This policy does not contain information that impacts the security of Department staff or reentrants and may, therefore, be released to the public.

B. This policy is to be distributed to all Department staff.

⁶ 4-APPFS-3D-29

⁷ 4-APPFS-3D-29

X. CROSS REFERENCES

A. Superseded

This policy replaces the previous version listed below:

Procedure 7.8, effective 6/21/2002

B. Statutes

1. Federal - 4 U.S.C. § 112 (Compacts between States for cooperation in prevention of crime; consent of Congress)
2. State

61 Pa.C.S. § 6171

61 Pa.C.S. § 7112 (relating to the ICAOS)

61 Pa.C.S. § 7121 (relating to authority by deputization)

42 Pa.C.S.A. § 9121 – 9148 (Uniform Criminal Extradition Act)

C. Department Policies

12.4.05.01

12.4.05.06

12.4.05.08

D. American Correctional Association

4-APPFS-2A-16

4-APPFS-2B-01

4-APPFS-2B-04

4-APPFS-3D-29

E. Management Directives – None

F. Report of the Reentry Policy Council – None