

Germantown Police Department

Policies and Procedures

Number: 2-14
Effective Date: January 1, 2003
Subject: Fugitives and Extradition
Previous Revisions:

I. PURPOSE

The purpose of this policy is to provide officers of the Germantown Police Department with guidelines for dealing with fugitive matters and the extradition process.

II. POLICY

It is the policy of the Germantown Police Department for all officers to handle matters dealing with fugitives and extradition in accordance with established policies and procedures and with Tennessee state statutes.

III. EXTRADITION

In cases where arrests are made by the Germantown Police Department of persons wanted in jurisdictions outside the state of Tennessee, the arrested person shall be provided the opportunity to sign a Waiver of Extradition and will be released to the authority of the state where the crime was committed. In the event of a refusal to sign a Waiver of Extradition, arrangements must be made by the court officer for an extradition hearing to be presided over by a magistrate or approved representative. Any local charges should be disposed of prior to the extradition procedure.

IV. PURSUIT OF FLEEING FELONS

- A. When an individual commits a felony in a state other than Tennessee and is pursued into this state by law enforcement officers of that state (i.e., Mississippi or Arkansas), the officers of that state can apprehend the fleeing felon in Tennessee while in hot pursuit. After the officers have apprehended the individual, the law requires them to immediately take that individual to a magistrate in Tennessee for the purpose of the magistrate determining whether the arrest was lawful or not. If the magistrate determines the arrest to be lawful, the individual is to be held in

Tennessee and not released to the authority of the state where the felony was committed unless he/she is extradited or waives extradition.

- B. The same procedures apply if officers of the Germantown Police Department pursue an individual into Mississippi or Arkansas. In no instance should a Germantown Police Officer bring the individual back into Tennessee without the extradition process being carried out, nor in any situation should a Germantown Police Officer permit an individual to be taken back to a state without the extradition process being carried out. Such action would be illegal.

NOTE: Hot pursuit privileges are only permitted when pursuing a suspected felon. Neither officers of this state nor officers of other states have the right to cross state lines to attempt to apprehend a person who has committed a misdemeanor offense.

V. REVIEW PROCESS

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.