

The Connecticut General Assembly

Task Force To Examine the Methods to Reduce Costs to Extradite

Chairman Chief State's Attorney Kevin Kane



c/o Judiciary Committee, Room 2500
Legislative Office Building
Hartford, CT 06106

MEETING MINUTES

Wednesday, November 4, 2015

2:00 P.M. in Room 2B of the LOB

Attendance: Kevin Kane, Ryan Barry, Andrew “Drew” Bloom, Lt. Col. Warren “Butch” Hyatt; Kevin Lawlor, Andrew “Drew” Tingley, Brian Austin. **Absent:** Bruce Biel, Two vacancies outstanding.

Minutes: Minutes from the August 19, 2015 meeting were reviewed and accepted. Motion made and seconded

Convene Meeting & Introduction: Meeting commenced at 2:07 p.m. Chairman Kevin Kane read the emergency procedures. Members introduced themselves and the entities they represent. Chairman Kane stated the charge of the task force

Presentation: Chief Inspector James Hankard, Office of the Chief State's Attorney, Division of Criminal Justice gave a presentation on state extraditions:

- One of the 13 State Attorneys or Deputy State Attorneys will extradite for an active arrest warrant:
 1. If person is in out of state custody & voluntarily waives extradition; or
 2. If person in custody won't waive extradition, with the assistance of State Police, Secretary of State & the Governor's office, then a Governor's warrant would be issued; or
 3. Enter into an Interstate Agreement on Detainers referred to as an “IAD” which is an agreement with other state & CT whereby while serving time in other state with charges pending in CT, bring back to CT, sentenced in CT, return back to outside state to complete sentence, then finally return to CT to serve time in CT once out of state sentence is completed.
- Traveling involves 2 armed law enforcement officers having completed the federal law enforcement flying armed training on behalf of the federal Air Marshall Service which is administered by the Chief Inspector's Office
- The only exception to the 2 armed officer requirement is flights lasting less than 4 hours on low-risk prisoner usually on a probation violation. One unarmed & one armed officer will travel.
- Written request for extradition goes to Chief Inspector's Office. The responsibility of office involvement covers the entire time beginning from the trooper leaving CT until return. The costs borne by the Division of Criminal Justice are hotel, flight and car rental. Meager cost to jurisdictions for meals tolls, and ancillary expense. etc.
- From June 2014 through July 2015, CT conducted 87 extraditions for an approximate cost of \$163,000 - a little over \$1800 per case. Not included in the estimate are the contiguous states where there is no expense as they don't contact office. Costs don't include hourly pay or overtime pay for the officers the state /town are not reimbursed.
- The considerations to extradite are based on the totality of the case from beginning to end considering the total financial cost, impact on the victim, availability of witnesses, availability of officers, ultimate

penalty associated with the crime and the strength of the case. Takes a bit of time to determine if it is in the best interest of the state to extradite.

- Review includes not just the charges associated with a singular extradition but many cases pending.
- In order to apply for an extradition, the individual would have to face a charge requiring 1 year or more of incarceration. An A misdemeanor/minor charge could be included in the totality of the pending cases.
- 2 different groups of potential extraditions:
 1. Police would apply for a warrant that has not been issued because the accused is out of state; or
 2. Individual is arrested and made bond but failed to appear then a FTA warrant would be issued.
- Among the 87 extraditions reviewed, 25 were FTA's but there may have been a much more important underlying reason to extradite.
- The Chief Inspector's Office will code the level of the initial arrest warrant as determined by police department/state attorney. They factor in initial concerns for the likelihood of extradition.

State Attorney Kevin Lawlor explained the criteria the State's Attorney's Office considers to extradite:

- Amount of incarceration appropriate for individual
- Ability to prove the case; evidentiary issues
- Other variables as far as significant restitution and effect on victim
- Factor in cost as an important consideration in the overall cost benefit ratio

Discussion: Drew Bloom inquired if there had been any consideration for having the surety bail agent/bail bondsman cover the cost of extradition? Especially in cases where the criteria to extradite wasn't as strong however the bond company offered to cover the cost. If the State didn't want to extradite, the bail bondsman could request to be removed from the bond. Many other states offer this option. The current process gives the false impression you can commit a crime in CT, flee the state and be free from extradition. If we are able to come up with a plan, would extradition be considered more often? The task force will review this option as well as other proposals going forward.

Presentation: Andrew Tingley from the United States Marshal Service gave a presentation on federal extraditions.

- US Marshal Service looks at extraditions differently from the state.
- "Warrant of Removal". For example in a federal to federal arrest warrant charge originating in CT and person absconds to CA, the feds return the individual to CT. This is not an extradition this is a warrant of removal. No decision making to be made, the person would be brought back to the original charging district. The only question is "in custody" or "out of custody". If in custody, marshals return individual to charging district. If person is in custody, they have 10 days to get the person back to state using "JPats".
- JPats is the Justice Prisoner Alien Transportation System which is commonly known as "CONAIR". Planes are centrally located in Oklahoma and make daily trips around the country collecting inmates.
- "Extradition" is what the marshals consider overseas/international extradition that includes persons who abscond from CT. For example, if individual absconds from CT and is found in Jamaica, the person would be assigned to the Fugitive Task Force of the US Marshal Service. The Fugitive Task Force consists of state inspectors, law enforcement, state police. One of those entities reach out to the marshal service. The cases are easy for the state as the federal government pays entire bill with the exception of interpretation services.
- Depending on the country, considerable amount of work on state inspectors or state prosecutors part. State must lay out case and sign a "Prosecutor's Agreement to Extradite" before the feds will act. No financial cost to state. Concerned for murder, crimes of violence, sex crimes-if marshal service opens a

case and federal task force apprehends them, they want to ensure prosecutor agrees to extradite. Marshals need to make sure if a case is opened, the vetting process has been completely followed.

- In an open case when person is found, they are turned over to local police department which completes marshal service. CT would then have to work with that state to handle from there.
- Previously used COOP program. State inspectors would ask the US Marshals to transport via CONAIR. Plane would land and take person with a flat fee not to exceed \$2300. Although the service is still available, it's not used much since 911 as resources have been extremely limited. If there is a special request from the state, the marshals will always work with the state other than the \$2300 fee.
- Medical issues are a major consideration. If there are serious medical issues or if there is a medical problem and person ends up in hospital, marshal service won't use JPASS plane.
- Felony charges only, no pregnant females. Guarantee delivery date within 2 to 3 weeks. Get two inspectors to the plane which lands in Stuart AFB in New York. This is an option available to the state.
- "UFAP" Unlawful Flight to Avoid Prosecution needs AG to approve warrant. Seldom currently used as 99% didn't get prosecuted federally.
- Financial/white collar crimes aren't always recognized in foreign jurisdictions so the fugitive's host country won't participate in extradition.

Discussion: There are a relatively small number of extraditions each year but costs need to be reviewed. How many extraditions are refused by the state's attorney because it's not in the public interest for the state to bring the person back? Drew Bloom shared his written proposal to have the surety company/bail bonds company absorb some costs of extradition.

Next Steps: Submit any proposals/suggestions in writing to Deb Blanchard: Deborah.Blanchard@cga.ct.gov
The task force can review the proposals and then schedule a meeting early in December.

Adjournment: Motion made and seconded to adjourn meeting at 3:12 p.m.