

Policy Name:	EXTRADITION PROCEEDINGS		
Policy #:	OP 4.21	Last Updated:	2022-04-07
Issued By:	COMMUNITY POLICING BUREAU	Approved By:	SURREY POLICE BOARD
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RELATED POLICIES

OP 3.1 *Arrest and Detention*

OP 4.49.7 *Warrants Originating Outside Canada*

1. PURPOSE

1.1. To ensure Surrey Police Service (SPS) Members are provided with consistent directions when becoming aware of a request to extradite a person sought to or from Canada.

2. SCOPE

2.1. This policy applies to all Members.

3. POLICY

3.1. INTERPOL Ottawa is responsible for coordinating all extraditions from and to Canada.

3.2. The *Extradition Act* applies only to certain extradition partner countries; however, when a mutual/specific agreement between Canada and the country does not apply, the extradition request will be dealt on a case-by-case basis by the Department of Justice Canada International Assistance Group.

3.3. The Department of Justice Canada International Assistance Group reviews extradition to or from Canada.

3.4. When a Member becomes aware of a request to extradite a person to or from Canada under the authority of the *Extradition Act* or directions by the Department of Justice Canada International

Assistance Group, they will notify their Supervisor and Duty Officer. The matter is then referred to INTERPOL Ottawa, who deals directing with the requesting agency.

3.5. When requested, release information to the Department of Justice Canada to support extradition of a person to or from Canada.

4. PROCEDURE

4.1. Members who are aware of a request to extradite a subject to or from Canada, must immediately inform their Supervisor and INTERPOL Ottawa.

4.2. The Supervisor must inform the Duty Officer.

4.3. When the suspected person is located, Members will make all reasonable efforts to confirm the suspect's identity and obtain particulars without alerting the person of the Member's enquiries. The Member will notify INTERPOL Ottawa **S. 15** and the Canada Border Services Agency **S. 15**.

4.4. The person sought cannot be arrested on the strength of a CPIC entry, a foreign warrant of arrest, an INTERPOL Red Notice, or the advice of a foreign agency. The person sought can only be arrested on a Canadian warrant.

Obtaining a Warrant and Arrest

4.5. The Department of Justice Canada will require that a Member swear or affirm an information to obtain a provisional warrant.

4.6. The issuance of provincial warrant (s. 13 of the *Extradition Act*) requires certified evidence of an offence in a foreign country in the same manner as if the offence had been committed in Canada.

4.7. A warrant issued under the *Extradition Act* can be executed anywhere in Canada without being endorsed.

4.8. When an arrest is made under the *Extradition Act*, the Member must:

- i. take the arrested person and any seized exhibits to the court having jurisdiction, within 24 hours, or as soon as practicable;
- ii. ensure the arrested person is fingerprinted, palmprinted, and photographed;
- iii. notify INTERPOL Ottawa and the local Crown Counsel the information the Member has on the arrested person and their place of detention; and
- iv. pending the outcome of extradition proceedings, enter the arrested person's information on CPIC in the charged category.

Extradition Hearing

4.9. A subject who consents before a judge to be returned to the requesting country, waives all rights and protections under the *Extradition Act* and the need for an extradition hearing.

4.10. At the extradition hearing, the Court must be satisfied that:

- i. the subject has been positively identified as the person sought and the person who allegedly committed the offence in the requesting country; and
- ii. there is sufficient evidence to satisfy that the subject committed the alleged crime.

Surrender of Person

4.11. If an order of surrender to transfer the subject over to a foreign state is issued by the Minister of Justice under the *Extradition Act*, Members will:

- i. assist the Department of Justice Canada with arrangement for departure of the subject;
- ii. confirm the foreign or Canadian escort's travel itinerary to INTERPOL Ottawa as soon as possible;
- iii. inform INTERPOL Ottawa once the extradition is completed; and
- iv. remove the CPIC charged category entry for the subject (if applicable).

Extradition to Canada

4.12. If a treaty between Canada and the foreign country exists, and the subject's location is known and wished to have returned to Canada, communication will be made through INTERPOL Ottawa and query whether the person can be returned.

4.13. If there is no treaty between Canada and the foreign country, and if circumstances justify the return of the subject, the Member will contact the Crown Counsel to recommend that an agreement be negotiated between Canada and the foreign country for the return of the subject. Members will:

- i. prepare all information on the subject, including the applicable Crown Counsel's recommendation to the Duty Officer for approval;
- ii. if the submission is approved, request the applicable Crown Counsel to make a formal application to the Minister of Justice for the return of the subject; and
- iii. notify INTERPOL Ottawa of all developments.

4.14. If police assistance is required to escort the subject requested by the foreign country, before leaving Canada, ensure a copy of the arrest warrant, proper identification, a valid passport bearing the appropriate visa and any other documentations required by the country holding is available and can be presented when requested.

4.15. Members must ensure INTERPOL Ottawa is notified ahead of time of the travel itinerary.

APPENDIX A: DEFINITIONS

“CPIC” means the Canadian Police Information Centre.

“Duty Officer” means the Frontline Policing Inspector.

“Extradition Partner” means a State or entity with which Canada is party to an extradition agreement, with which Canada has entered into a specific agreement or whose name appears in the schedule.

“Interpol Red Notice” means a Notice that is requested to law enforcement worldwide to locate and provisionally arrest a person pending extradition, surrender, or similar legal action.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“Reasonable Grounds” includes both subjective and an objective component and means that the officer must personally believe that the decision or action is necessary, and in addition, the decision or action must be able to stand the test of whether an objective third person, who is acting reasonably – and is informed of the officer’s training, experience and the factual circumstances at the time, would also reach the same conclusion.

“SPS” means the Surrey Police Service.

“Supervisor” means a Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

“State” or “Entity” means:

- A State other than Canada;
- Province, state or other subdivision of a State other than Canada;
- A colony, dependency, possession, protectorate, condominium, trust territory or any territory falling under the jurisdiction of a State other than Canada;
- An international criminal court or tribunal; or
- A territory.

APPENDIX B: REFERENCES

Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982

Criminal Code, R.S.C. 1985, c. C-46

Extradition Act, S.C. 1999, c. 18