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**CHAPTER 09:
SECTION 01:**

**FOREIGN FUGITIVE FILE
INTRODUCTION**

Procedure #: 09.01.000

Effective Date: May 1, 2012

Supersedes:

See Also:

Applies To: All ACCESS Users

CALEA:

I. PURPOSE OF THE FOREIGN FUGITIVE FILE

- A. The Foreign Fugitive File was established July 1, 1987, it contains information on persons wanted in connection with offenses committed outside the United States.
- B. There are two types of records in the Foreign Fugitive File: Canadian records and International Criminal Police Organization (INTERPOL) records. Canadian records contain information on persons wanted for violations of the Criminal Code of Canada based upon Canada-wide warrants. INTERPOL records contain information on persons wanted by authorities in other countries.
- C. The Royal Canadian Mounted Police (RCMP) is the only authorized Canadian agency that can enter and update Canadian records. A user receiving a Canadian record in response to an inquiry is advised in a caveat that the fugitive is wanted on a Canadian warrant, and no arrest can be executed in the United States solely on that basis. The caveat further directs the inquiring agency to contact the RCMP to initiate the process of obtaining a U.S. extradition warrant (3184 Warrant), as authorized by Title 18, USC, Section 3184.
- D. INTERPOL records contain information entered for foreign countries by the United States National Central Bureau (USNCB) of INTERPOL, which is housed in the U.S. Department of Justice. The National Central Bureau of any country may issue a wanted flyer, known as a Red Notice, for a fugitive wanted within its respective country. The Red Notice requests the arrest of the fugitive with the intention that extradition will occur. In addition to the fugitive's physical description, the Red Notice contains details of the charge(s), warrant information, and prior criminal history information. Red Notices are distributed to the National Central Bureaus in all INTERPOL member countries.
- E. Upon receipt of a Red Notice, the USNCB reviews the information and enters a record if the entry criteria is met. Any agency making an inquiry on a foreign fugitive will be advised that the fugitive cannot be arrested solely upon the Foreign Fugitive File record and to contact the USNCB/INTERPOL. The USNCB is responsible for confirming that the foreign arrest warrant is still outstanding, determining whether the foreign

country will proceed with extradition, and notifying other U.S. Department of Justice officials to have a U.S. arrest warrant issued.

II. CRITERIA FOR ENTRY INTO THE FOREIGN FUGITIVE FILE

A. Canadian Records

1. Records may be entered for individuals who are wanted for violations of the Criminal Code of Canada and for whom there is an outstanding Canada-wide warrant that meets the requirements of the Extradition Treaty, Title 18, USC, Section 3184. These entries can only be made for authorized Canadian agencies by the RCMP. The RCMP must have a warrant (electronic or hard copy) on file to support each entry.

B. INTERPOL (USNCB Records)

1. The wanting country has an outstanding arrest warrant that charges a crime which would be a felony if committed in the United States, and
2. The wanting country is a signatory to an extradition treaty/convention with the United States, or
3. The subject is wanted for a violent crime or is otherwise known to be violent, armed, or dangerous.

C. INTERPOL must have a wanted notice (electronic or hard copy) on file to support each entry.

III. RETENTION PERIOD FOR THE FOREIGN FUGITIVE FILE

- ### **A. Foreign Fugitive File records have an unlimited retention period. A foreign fugitive (EW) record will remain on file indefinitely or until action is taken by the originating agency to clear or cancel the record.**

IV. VALIDATION

- ### **A. Foreign Fugitive File records are validated monthly. Each record entered will be subject to validation three months after entry and annually thereafter**



**CHAPTER 09:
SECTION 02:**

**FOREIGN FUGITIVE FILE
INQUIRY TRANSACTIONS**

Procedure #: 09.02.000

Effective Date: May 1, 2012

Supersedes:

See Also:

Applies To: All ACCESS Users

CALEA:

I. GUIDELINES FOR FOREIGN FUGITIVE INQUIRY

- A. The capability to query only the Foreign Fugitive File does not exist; however, the same procedures used to search the Wanted Person File will also search the Foreign Fugitive File.

II. REQUIREMENTS FOR FOREIGN FUGITIVE INQUIRY

- A. As a part of a positive Foreign Fugitive File response, the receiving agency is advised that the fugitive cannot be arrested solely upon the basis of the information provided. If the response is a Canadian fugitive record, the agency is instructed to contact RCMP to confirm the hit and initiate the process of obtaining a U.S. extradition warrant. If the fugitive record is for a fugitive from a country other than Canada, a caveat instructs the agency to contact INTERPOL (USNCB).

III. LOCATED DATA IN A POSITIVE CANADIAN RECORD RESPONSE

- A. If the subject of a Canadian record has been apprehended/located and a locate message has been transmitted, apprehension/locate information will appear near the end of the record printout following the word LOCATED. This information will include the date of apprehension/location, apprehending/locating agency's identifier, apprehending/locating agency's case number, and an extradition indicator, that is, EXTR or NOEX. Entry of a locate message in the record does not change the MKE code translation for EW when a fugitive will not be extradited (NOEX). However, when the fugitive will be extradited (EXTR), the MKE will translate to located status.

IV. PROCEDURES FOR HANDLING A CANADIAN RECORD RESPONSE

- A. Fugitives from Canada can be arrested and held in the United States after appropriate action is taken. An arrest cannot be made, based solely on a Canadian warrant in NCIC 2000. A user receiving a Canadian record response should first contact RCMP to confirm the hit. "To confirm the hit" means to verify with the ORI of the record that the warrant is still outstanding, to confirm the person inquired upon is identical with the subject of the record, and to obtain extradition information. Once the hit has been confirmed, RCMP will initiate the process of obtaining a U.S. extradition warrant which is authorized by Title 18, USC, Section 3184.

- B. If the fugitive is not a U.S. citizen, the user should contact the nearest office of the Bureau of Immigration and Customs Enforcement (ICE). If the record includes vehicle or license plate data, the Vehicle File should be queried to determine if either is stolen.
- C. After hit confirmation, any agency that apprehends a person based on an NCIC record must place a locate on each confirmed NCIC record entered for that person. The exceptions to this procedure are:
 - 1. Any record entered by ORI/DCINTER00
 - 2. Any record entered by the inquiring agency; and
 - 3. Any record that contains an extradition limitation and the locating agency is physically located outside the area of extradition indicated. Additional details can be found in Section 6 of this chapter.
- D. When an agency receives a record response to an NCIC query containing investigative interest information, the inquiring agency is not required to notify the investigative interest agency.

V. PROCEDURES FOR HANDLING AN INTERPOL RECORD RESPONSE

- A. Arrest warrants issued in foreign countries are the basis for all INTERPOL records. Arrest warrants issued in foreign countries are not executable in the United States. If an INTERPOL record (ORI/DCINTER00) is received in response to an inquiry, INTERPOL (USNCB) must be contacted to confirm the hit. "To confirm the hit" means to verify with the ORI of the record that the warrant is still outstanding, to confirm the person inquired upon is identical with the subject of the record, and to obtain extradition information.
- B. Once the hit has been confirmed, USNCB will coordinate with other U.S. Department of Justice officials the process of obtaining a U.S. extradition warrant under Title 18, USC, Section 3184.
- C. If the subject of the inquiry is the same as the subject of a Foreign Fugitive File record and he/she is not a U.S. citizen, the nearest office of the ICE should be advised. The ICE will determine whether to investigate the legality of the fugitive's entry into the United States.
- D. When an agency receives a record response to an NCIC query containing investigative interest information, the inquiring agency is not required to notify the investigative interest agency(s). If the investigative interest agency requests notification of all hits, this agency should place a "Y" in the Notify Investigative Agency (NIA) Field.

VI. EXAMPLE OF FOREIGN FUGITIVE CANADIAN INQUIRY RESPONSE

- A. Negative Response

1L01HEADER
WA1230000

NO NCIC WANT DOB/19440410 NAM/SMITH, JOHN SEX/M
RAC/W

***MESSAGE KEY QW SEARCHES WANTED PERSON FILE
FELONY RECORDS REGARDLESS OF EXTRADITION AND
MISDEMEANOR RECORDS INDICATING POSSIBLE
INTERSTATE EXTRADITION FROM THE INQUIRING AGENCY'S
LOCATION. ALL OTHER NCIC PERSONS FILES ARE
SEARCHED WITHOUT LIMITATIONS.

B. Positive Response

1L01HEADER
WA1230000

***MESSAGE KEY QW SEARCHES WANTED PERSON FILE
FELONY RECORDS REGARDLESS OF
EXTRADITION AND MISDEMEANOR RECORDS INDICATING
POSSIBLE INTERSTATE EXTRADITION FROM THE
INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC
PERSONS FILES ARE SEARCHED WITHOUT LIMITATIONS.
WARNING - DO NOT ARREST BASED ON THIS INFORMATION

MKE/WANTED IN CANADA ORI/BC0000000 NAM/SMITH, JOHN
SEX/M RAC/W POB/TX DOB/19440410HGT/510 WGT/175
EYE/BRO HAI/BRO CTZ/US OFF/FRAUD - ILLEG USE CREDIT
CARDS DOW/19981201 OCA/22789 ORI IS RCMP ANY PLACE
BC 555 555-5555 NIC/W000022525 DTE 19990102 0000 EST
DLU/19990325 1100 EST
REPEAT - WANTED IN CANADA - DO NOT ARREST BASED ON
THIS INFORMATION - IMMEDIATELY CONTACT RCMP,
OTTAWA, CANADA TEL NO. (555) 555-5555. IF SUBJECT IS NOT
U.S. CITIZEN, CONTACT NEAREST OFFICE OF THE BUREAU
OF IMMIGRATION AND CUSTOMS ENFORCEMENT

VII. EXAMPLE OF FOREIGN FUGITIVE INTERPOL INQUIRY RESPONSE

A. Negative Response

1L01HEADER
WA1230000

NO NCIC WANT SOC/211004444
NO NCIC WANT DOB/19450123 NAM/SMITH, JOHN SEX/M
RAC/W
***MESSAGE KEY QW SEARCHES WANTED PERSON FILE
FELONY RECORDS REGARDLESS OF EXTRADITION AND
MISDEMEANOR RECORDS INDICATING POSSIBLE
INTERSTATE EXTRADITION FROM THE INQUIRING AGENCY'S
LOCATION. ALL OTHER NCIC PERSONS FILES ARE
SEARCHED WITHOUT LIMITATIONS.

B. Positive Response

1L01HEADER
WA1230000

***MESSAGE KEY QW SEARCHES WANTED PERSON FILE
FELONY RECORDS REGARDLESS OF EXTRADITION AND
MISDEMEANOR RECORDS INDICATING POSSIBLE
INTERSTATE EXTRADITION FROM THEINQUIRING AGENCY'S
LOCATION. ALL OTHER NCIC PERSONS FILES ARE
SEARCHED WITHOUT LIMITATIONS.
WARNING - DO NOT ARREST BASED UPON THIS FOREIGN
FUGITIVE RECORD.

MKE/FUGITIVE FROM A FOREIGN COUNTRY
ORI/DCINTER00 NAM/SMITH, JOHN SEX/M RAC/W POB/CR
DOB/19450123 HGT/510 WGT/175 EYE/BRO HAI/BRO SKN/DRK
OFF/KIDNAP ADULT FOR RANSOM DOW/19981001 OCA/RN-
1234 MIS/WARRANT ISSUED BY COSTA RICA
ORI IS INTERPOL U.S. DOJ WASHINGTON DC 555 555-5555
NIC/W123456789 DTE 19981002 0000 EDT
DLU/19981215 0000 EST
REPEAT - DO NOT ARREST BASED UPON NCIC RECORD
WITH NIC/W123456789.
FUGITIVE FROM A FOREIGN COUNTRY - IMMEDIATELY
CONTACT INTERPOL, U.S. DOJ, NLETS ORI/DCINTER00, OR
TEL NO. (555) 555-5555.
ALSO, IF SUBJECT IS NOT U.S. CITIZEN, CONTACT THE
NEAREST OFFICE OF THE BUREAU OF IMMIGRATION AND
CUSTOMS ENFORCEMENT NO NCIC WANT SOC/211004444



**CHAPTER 09:
SECTION 03:**

**FOREIGN FUGITIVE FILE
LOCATE TRANSACTIONS**

Procedure #: 09.03.000

Effective Date: January 1, 2012

Supersedes:

See Also:

Applies To: All ACCESS Users

CALEA:

I. GUIDELINES FOR FOREIGN FUGITIVE LOCATE

- A. Any agency, except the agency that entered the record, that apprehends or locates a person who is indexed in a Canadian record must place a locate message on the record(s). When an agency receives a record or multiple records in response to an inquiry, the inquiring agency must contact RCMP to confirm the hit(s). Following confirmation with the originating agency(s), a locate message must be transmitted for each record on file for the subject.
- B. A record should not be located if the locating agency is outside of the extradition limitation set forth in the record.
- C. Foreign Fugitive File records entered by ORI/DCINTER00 cannot be placed in locate status.

II. EXAMPLE OF FOREIGN FUGITIVE LOCATE MESSAGE FOR A CANADIAN RECORD

- A. Foreign Fugitive Locate
HDR.LW.WA1230000.NAM/SMITH, JOHN.NIC/W000022525.
20000103.8592.EXTR.HIT NCIC 20000102..4....

III. EXAMPLE OF FOREIGN FUGITIVE LOCATE ACKNOWLEDGEMENT

- A. NCIC Acknowledgement
1L01HEADER
WA1230000
LOCATED NAM/SMITH, JOHN NIC/W000022525