

SANTA ANA POLICE DEPARTMENT

DAVID VALENTIN · CHIEF OF POLICE

TRAINING BULLETIN

"Education promotes professional and responsive law enforcement"

Obtaining a Warrant for Unlawful Flight To Avoid Prosecution (UFAP Warrants)

Purpose

The purpose of this Training Bulletin is to aid investigators and officers in obtaining a federal warrant for suspects who have fled the state or country to avoid prosecution.

Introduction

Many times during a criminal investigation it is discovered the suspect or defendant, in the case of a suspect who has bailed out, will flee the state and or country to avoid prosecution. This is particularly true in many homicide or attempt homicide cases. A UFAP warrant is a tool the investigator can use to aid him in locating and getting the suspect into custody in other states or in a foreign country whether an extradition treaty exists or not.

I. What Is a UFAP Warrant?

A UFAP warrant is a federal warrant issued by a U.S. Magistrate as a result of a complaint filed by the U.S. Attorney for a violation of Title 18 section 1073 of the U.S. Code, "*unlawful flight to avoid prosecution.*" The statute requires that there be reason to believe the suspect has fled the state to avoid prosecution.

II. Procedure for Obtaining a UFAP Warrant

The procedure for obtaining a UFAP warrant is relatively simple. The investigating officer shall draft a letter on department letterhead to the Orange County District Attorney signed by his bureau commander (see [attached letter](#)). The letter should state the facts of the case, the crime the suspect is believed to have committed and how the suspect was identified. The letter should also state why the officer believes the suspect has fled the state, where he believes the suspect has fled to and why the officer believes the suspect fled there. All arrest warrant information should also be included in the letter. The investigating officer must also obtain two (2) photos and two (2) fingerprint cards of the suspect, if possible.

The package is then submitted to the Extradition Deputy of the Orange County District Attorney's Felony Projects section. The Extradition Deputy will obtain certified copies of the complaint filed by the prosecuting Deputy District Attorney and the arrest warrant. He will submit the entire package to the Co-coordinator of the FBI's Violent Crimes/Major Offenders

section along with a letter stating the Orange County District Attorney's Office will cover all necessary and reasonable costs of extradition upon the suspect's arrest.

The FBI will forward one copy of the entire package to the U.S. Attorney. The U.S. Attorney will then file a complaint before a U.S. Magistrate charging the suspect with a violation of Title 18 section 1073 of the U.S. Code. The FBI is the law enforcement agency charged with the execution of the warrant.

Summary

In light of the new administration in Mexico and its willingness to cooperate with U.S. law enforcement the UFAP warrant can be a valuable tool in apprehending suspects who have fled California across the Border. It has also come to light that the government of Mexico is now willing to extradite Mexican citizens depending upon the charges enhancing the importance of the UFAP warrant.

Acknowledgment: This training bulletin was researched and prepared by Inv. Richard A. Ashby #1744, Investigation Bureau/Crimes Against Persons Division/Gang Homicide. 08/01

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