

EXTRADITION COST REIMBURSEMENT

SECTION 19.2-112 – CODE OF VIRGINIA

July 1, 2021

Extradition in the Code of Virginia: Virginia has adopted the Uniform Criminal Extradition Act, Virginia Code § 19.2-85 et seq. The Act provides for the return to Virginia of a person who is charged with a crime in the state but has fled to another state. It also provides for the release to the custody of another state of a defendant found in Virginia who is charged with an offense in the other state.

Authority for Cost Reimbursement: Virginia Code § 19.2-112. Costs and expenses of extradition.

A. The expenses incident to the extradition of any person under the four preceding sections may be paid out of the state treasury, on warrants of the Comptroller issued upon vouchers signed by the Governor, or such other person as may be designated by him for such purpose.

B. If the person extradited is found guilty, or if the person was extradited after illegally leaving the Commonwealth while on parole or on probation, the person extradited, and not the Commonwealth, shall be responsible for the costs and expenses of extradition. The state treasury shall continue to reimburse local jurisdictions for the costs and expenses of extradition. The fugitive shall pay the costs and expenses of his extradition into the state treasury.

Procedure:

All extradition requests are reviewed by the Extradition Specialist in the office of the Secretary of the Commonwealth to ensure that they are complete and comply with the requirements of the asylum state. Once the documents are complete, the Governor is the one who formally requests the extradition. If the extradition is granted, the Governor signs travel orders that authorizes two law enforcement officers, designated by the local Commonwealth's Attorney, to retrieve the fugitive.

Cost Reimbursement – Requirements: The Supreme Court of Virginia has the responsibility for establishing the policies and procedures used for reimbursing law enforcement agencies who experience extradition costs. Law enforcement officers are required to submit a travel expense reimbursement voucher to the Supreme Court of Virginia to receive reimbursement. The Fiscal Department provides the Extradition Specialist with this document each year to be shared

with law enforcement officers. The requirements below were developed to ensure financial accountability of state funds and to put a standard process in place for everyone. The following instructions are provided to define allowable expenditures, documentation requirements, and to assist in the preparation & submittal of the Travel Expense Reimbursement Voucher.

General Guidelines:

- These instructions must be followed to ensure that the cost to the Commonwealth is clearly reasonable and necessary.
- Trips should be planned where possible to avoid unnecessary costs (lodging/meal and related costs).
- Travelers must be agents of the local or state law enforcement agency.
- A substitution for the officers named in the Travel Order may **only** be made when granted and documented by the Governor's Office. Contact the Secretary of the Commonwealth for any change.
- Transportation must be by the most reasonable, direct and necessary mode based on the cost/benefit analysis.
- **Request government rates for lodging and vehicle rental from the vendor.**

Voucher Preparation Guidelines:

- Each voucher must be complete within itself and show all facts necessary to support the claim and justify payment.
- Original Travel Orders (obtained from the Secretary of the Commonwealth) must be attached to the Travel Reimbursement Voucher (copies are not accepted).
- The Locality's name and vendor ID (Tax ID) must be included in the vendor section of the voucher. Payment will be wired to the locality. All payments will start with invoice number "EXTR" and the prisoner's name will be in the description field.
- The hour of departure (from duty station) and the hour of arrival (back to duty station) must be indicated on each voucher.
- The prisoner's name must be indicated on each voucher.
- The purpose of travel must be shown on the bottom left-hand corner of the voucher. We suggest the following be indicated: Extradition Expense – 19.2-112 Code of Virginia.
- The traveler must sign the Travel Expense Reimbursement Voucher in the upper right-hand corner. (The title of each traveler, if not on the Travel Order, must be indicated.)
- If the Travel Expense Reimbursement Voucher is over 1 year old, you must attach a letter of explanation as to why the voucher is being submitted late.

- Vouchers over two years old will not be processed.
- Each day's expense must be separately itemized.

Allowable Expenses Include the Following:

- Lodging
 - All lodging rates are governed by the U. S. General Services Administration (GSA) rates effective October 1, 2015. The allowable rates vary depending on the destination. The travel destination is the city or county in which the hotel is physically located. The traveler must utilize the website below to determine the allowable rates. <http://www.gsa.gov/portal/content/104877>
 - Travel should be planned to avoid overnight lodging where possible. Written justification is required if staying more than one night.
 - Some geographic areas are more expensive than others; therefore, each lodging reimbursement request will be audited individually based on state lodging guidelines.
- Meals
 - Meal charges are reimbursable when overnight lodging is involved. To qualify for meals on same-day extraditions the mileage must be over 100 miles one-way.
 - The maximum amount reimbursable for meals taken within the State is \$55 per day. The meal guidelines are \$10.00 for breakfast, \$15.00 for lunch, and \$30.00 for dinner.
 - The maximum amount reimbursable for meals taken outside of the State is \$65.00 per day. Out of State meal guidelines are \$12.00 for breakfast, \$18.00 for lunch, and \$35.00 for dinner. These amounts include applicable taxes and gratuity.
 - Meals for partial travel days:
 - Breakfast - The breakfast meal may be claimed on the day of departure when the traveler must, out of business necessity, leave their official station prior to 6:30 A.M.
 - Lunch – The lunch meal may be claimed when the traveler, out of business necessity, must leave their official station before 11:00 A.M. or return to their official station after 2:00 P.M.
 - Dinner – The dinner meal may be claimed when the traveler, out of business necessity, is unable to return to their official station until after 7:30 P.M.
 - Meal receipts should be itemized and include the name and address of the restaurant, as well as the date and time.

- Rental Cars
 - Rental vehicles are used only where necessary. The traveler must select the most economical vendor and type of vehicle available.
 - The traveler must acquire any commercial rate or government discount available when the vehicle is rented.
 - Insurance reimbursement should only include Liability Damage Waiver (LDW) and Collision Damage Waiver (CDW).
 - Travelers must ensure that the rental vehicle is refueled before returning the vehicle to the rental contractor.
 - The use of premium/luxury/specialty type vehicles (convertibles/premium SUVs) are generally not allowable. If a specialty vehicle is utilized, it must be justified on a separate statement attached to the travel voucher.
 - Rental car information can be found thru the Department of Accounts at the website below.
 - https://www.doa.virginia.gov/reference/CAPP/CAPP_Topics_Cardinal/20335-2015-Dec.pdf

- Airfare & Train
 - A cost/benefit analysis must be attached when submitting for reimbursement of travel in excess of 500 miles or anytime travel is done by plane.. See Cost / Benefit Analysis section below.
 - The “Business Necessity” must be documented and reasonable.

- Mileage, Tolls & Parking
 - Personal Vehicle Usage – Mileage is reimbursable at the current IRS mileage rate.
 - Parking and tolls are reimbursable with a receipt. The name of the toll facility and date must be stated on the travel voucher.

Unallowable Expenses:

- Movies, entertainment expenses, and personal items for prisoner (clothing/toiletries) are not reimbursable.
- Alcoholic beverages are not reimbursable.

Cost / Benefit Analysis:

- A cost/benefit analysis must be attached when submitting for reimbursement of travel in excess of 500 miles or anytime travel is done by plane. All travel costs (including meals, lodging, parking, ground transportation, etc.) should be considered for each option. Reimbursement shall be limited to the least expensive option (flying vs driving).

- Exception - When the safety of the officers or the prisoner is at stake, then a detailed explanation must be attached for consideration of an exception that clearly demonstrates the Business Necessity for the additional costs.

Documentation Requirements:

- Signed travel order (obtained from the Secretary of the Commonwealth) and applicable receipts should be attached to the travel voucher when submitting for reimbursement.
- Itemized receipts are required for all expenses (lodging, meals, automobile rental, airfare and/or other mode of transportation, etc.).
- Unusual charges need to have a justification attached.
- See “Cost / Benefit Analysis” section for additional requirements.
- Specialized vehicles need to have a justification attached.

Submitting the Voucher:

- Mail the completed travel voucher with original Travel Order and original receipts to:

Supreme Court of Virginia
100 N 9th Street, Third Floor
Richmond, VA 23219-2334

Questions:

- Questions regarding the reimbursement process and eligible expenses should be addressed to Mrs. Mary Puryear (Accounts Payable Administrator for the Supreme Court of Virginia).
 - By Mail – See Address Above
 - By Phone - (804) 225-3346
 - By Email – mgilbert@vacourts.gov
- Questions regarding the travel orders from the Secretary of the Commonwealth should be addressed to Christopher Frink (Director of Extraditions for the Secretary of the Commonwealth).
 - By Phone – (804) 692-0116
 - By Email – Chris.Frink@governor.virginia.gov