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# Foreign Fugitive File

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# **1 INTRODUCTION**

## **1.1 DEFINITION**

- The Foreign Fugitive File, established July 1, 1987, contains information on persons wanted in connection with offenses committed outside the United States.
- There are two types of records in the Foreign Fugitive File: Canadian records and The 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.
- 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 United States extradition warrant (3184 Warrant), as authorized by Title 18, USC, Section 3184.
- INTERPOL records contain information entered for foreign countries by the United States National Central Bureau (USNCB) of INTERPOL, which is housed in the United States 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.
- Upon receipt of a Red Notice, the USNCB reviews the information and enters an NCIC Foreign Fugitive File record if the entry criteria in this chapter are met. Any agency making an inquiry on a foreign fugitive will be advised that the fugitive cannot be arrested solely upon the NCIC 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 United States Department of Justice officials to have a United States arrest warrant issued.

## **1.2 CRITERIA FOR ENTRY**

### **1.2.1 CANADIAN RECORDS**

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.

### **1.2.2 INTERPOL (USNCB RECORDS)**

Other Foreign Fugitive File records may only be entered by USNCB based upon the following criteria:

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

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

### 1.3 MESSAGE KEY (MKE) CODES

Message	MKE	Translation
Entry	EW	WANTED IN CANADA
	EW	FUGITIVE FROM A FOREIGN COUNTRY
Locate*	LW	LOCATED WANTED IN CANADA
Cancel	XW	
Inquiry**	QW QWA QWE QWF QWS ZW QWB QWI QV ZV	
Clear	CW	

\*This MKE can only be used to locate Canadian Records and will translate LOCATED WANTED IN CANADA or LOCATED WANTED IN CANADA - CAUTION and when applied to the record shows the fugitive will be extradited (EXTR).

\*\*There is no specific MKE to query the Foreign Fugitive File; however, a wanted person inquiry will return a hit response on this file if a match occurs.

Message	MKE	Translation
Entry of supplemental record	EN	
Entry of supplemental stolen/fraudulent identifiers	ENS	
Cancellation of supplemental record	XN	
Cancellation of stolen/fraudulent identifiers	XNS	

A caution indicator should be added to the MKE EW when it is known that a foreign fugitive is armed and dangerous, has suicidal tendencies, has previously escaped custody, is a drug addict, or whatever is appropriate to the particular circumstances of the individual. Additional details on the caution indicator can be found in the Wanted Person File chapter.

### 1.4 RECORD RETENTION PERIOD

Foreign Fugitive File records have an unlimited retention period. A foreign fugitive record will remain on

file indefinitely or until action is taken by the originating agency to clear or cancel the record.

Other exceptions to the record retention periods will occur in the event a serious error is detected in the record on file.

## 1.5 AUTOMATIC RETIREMENT

Data in the License Plate Number, License Plate Year of Expiration (LIY), and License Plate Type Fields will remain in a Foreign Fugitive File record or supplemental record for the year of entry plus four years from the date of entry of the base record, regardless of when the license plate data is entered. If the purged license plate data is the only searchable identifier in the Foreign Fugitive File record, then the entire record will be removed.

A nonexpiring license plate (LIY/NX) contained in a Foreign Fugitive File record will remain on file until action is taken by the originating agency to remove the license data or clear or cancel the entire record.

## 1.6 VALIDATION

For validation policy and procedures, refer to the Validation section in the Introduction of this manual.

The Name of Validator (VLN) Field will be returned when the requester of the record is the entering agency, the CJIS Systems Agency of the entering agency, the FBI, and in the \$.C. Request for Validation Notification and fixed format validation files. For all other responses, the VLN Field will be suppressed.

## 1.7 MESSAGE FIELD CODES (MFCs) AND EDITS

Code	Field	Edits
EXL	Extradition Limitation	Mandatory Blank.
ADD	Address Type	Mandatory Blank.
COU	County	Mandatory Blank.
CTY	City	Mandatory Blank.
DDA	Date of Documented Address	Mandatory Blank.
SNA	Street Name	Mandatory Blank.
SNU	Street Number	Mandatory Blank.
STA	State	Mandatory Blank.
ZIP	ZIP Code	Mandatory Blank.

The Wanted Person File chapter contains other pertinent message field codes and edits.

## 1.8 INVESTIGATIVE INTEREST

The Other Transactions chapter of this manual contains information regarding investigative interest supplemental records in the NCIC System.

## 2 ENTRY

Only RCMP and INTERPOL (USNCB) can enter records in this file. The entry procedures are the same

as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

The mandatory fields for Canadian Warrant records are the same as those for Wanted Person File records. For INTERPOL records, height (HGT), weight (WGT), and hair color (HAI) are not required if the Miscellaneous (MIS) Field contains PHOTOS AND/OR PRINTS AVAILABLE WITH HIT CONFIRMATION WITHIN 10 MINS. This statement must commence in position one of the MIS Field or in position six if the MIS Field contains SVIN (indicating the entry of a state-assigned or a nonconforming 17-character Vehicle Identification Number [VIN]) in the first four positions.

### 3 MODIFICATION

Only RCMP and INTERPOL (USNCB) can modify records in this file. The modify procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

### 4 CANCELLATION

Only RCMP and INTERPOL (USNCB) can cancel records in this file. The cancel procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

### 5 INQUIRY

#### 5.1 NCIC INQUIRY PROCESSING

When an agency transmits an NCIC wanted person inquiry (QW, QWA, QWE, QWF, QWS, ZW, QWB, or QWI), the data in the Foreign Fugitive File will be searched in addition to all other NCIC person files (except the Unidentified Person File) as well as the Article, Boat, License Plate, Vehicle, and Vehicle/Boat Part Files. 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 United States 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).

#### 5.2 EXAMPLE OF A CANADIAN RECORD INQUIRY

1N01HEADER.QW.WA1230000.NAM/SMITH, JOHN.SEX/M.RAC/W.DOB/19440410

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.

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 ETN/H POB/TX  
DOB/19440410 HGT/510 WGT/175 EYE/BRO HAI/BRO CTZ/US  
OFF/FRAUD - ILLEG USE CREDIT CARDS  
DOW/19981201 OCA/22789 SID/MD999999999  
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 U.S.  
IMMIGRATION AND CUSTOMS ENFORCEMENT

All codes used in a Canadian record are the same as those used in other NCIC person files.

### 5.3 EXAMPLE OF AN INTERPOL RECORD INQUIRY

1N01HEADER.QW.WA1230000.NAM/SMITH, JOHN.SEX/M.RAC/W.DOB/19450123.  
SOC/211004444

#### 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.

#### 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 UPON THIS FOREIGN FUGITIVE RECORD.  
MKE/FUGITIVE FROM A FOREIGN COUNTRY  
ORI/DCINTER00 NAM/SMITH, JOHN SEX/M RAC/W ETN/H POB/CR  
DOB/19450123 HGT/510 WGT/175 EYE/BRO HAI/BRO  
SKN/DRK  
OFF/KIDNAP ADULT FOR RANSOM  
DOW/19981001 OCA/RN-1234 SID/MD999999999  
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 THE SUBJECT IS NOT A U.S. CITIZEN, CONTACT THE  
NEAREST OFFICE OF THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
NO NCIC WANT SOC/211004444

## 5.4 REQUIREMENTS FOR INQUIRY

- 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. Complete details can be found in the Wanted Person File chapter.
- In a positive response, Wanted Person and Foreign Fugitive File records will appear first, followed by records from the Extreme Risk Protection Order, Missing Person, Gang, Threat Screening Center, Violent Person, National Sex Offender Registry, Supervised Release, Immigration Violator, Protection Order, Identity Theft, Protective Interest, License Plate, Vehicle, Boat, Vehicle/Boat Part and Article Files. Complete details can be found in the Wanted Person File chapter.
- 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 United States 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).

## 5.5 ADDITIONAL GUIDELINES FOR INQUIRY

- When only one numeric identifier is used in an inquiry, the response(s) will include the record(s) on file containing that specific numeric identifier. For example, if an inquiry contains only the Social Security number, the response will include the record(s) on file with that Social Security number even though there may be other records on file for the same individual which does not contain that particular number.
- Following a positive response to an inquiry with limited personal descriptors, an agency should make a second inquiry using all identifiers contained in the response record(s). The second inquiry should ensure the receipt of all records which could possibly pertain to the person in question. If the record includes vehicle or license plate data, the Vehicle File should be queried to ascertain if either is stolen.
- A response to inquiry of a Foreign Fugitive File can contain supplemental data on stolen/fraudulent identifiers: names, dates of birth, Social Security numbers, miscellaneous numbers, and operator's license numbers. Complete details can be found in the Wanted Person File chapter.
- If a hit response contains expired license plate information, the following caveat will be included:  
  
WARNING - THE FOLLOWING RECORD CONTAINS EXPIRED LICENSE PLATE  
DATA. USE CAUTION, CONTACT ENTERING AGENCY TO CONFIRM STATUS.
- A Foreign Fugitive File response can contain supplemental data fields of Alias; Date of Birth; Scars, Marks, Tattoos, and Other Characteristics; Miscellaneous Number; Social Security Number; Caution and Medical Conditions; Citizenship; State Identification Number; operator's license data; license plate data; vehicle identification data; address data; and image data. All supplemental fields will be sorted by special character, alphabetically, then numerically. Within supplemental data sets, the fields will be sorted as follows: operator's license data by Operator's License State; license plate data by License Plate State; vehicle data by VIN; address data set by State; and image data by Image NCIC Number.



## 5.6 INQUIRY USING VEHICULAR DATA

A QV, ZV, QW, QWA, QWE, QWF, QWS, or ZW inquiry by license plate number or vehicle identification number will retrieve data from all person files as well as the Foreign Fugitive File in which the vehicle and/or license has been entered. Additionally, such an inquiry will retrieve data from the Vehicle, Boat, Vehicle/Boat Part, and License Plate Files. It is not necessary to include name in this type of inquiry.

## 5.7 LOCATED DATA IN A POSITIVE CANADIAN RECORD RESPONSE

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.

## 5.8 PROCEDURES FOR HANDLING A CANADIAN RECORD RESPONSE

- Fugitives from Canada can be arrested and held in the United States after appropriate action is taken. An arrest cannot be made, however, based solely on a Canadian warrant in the NCIC System. 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.
- If the fugitive is not a United States citizen, the user should contact the nearest office of the United States Citizenship and Immigration Service (USCIS). If the record includes vehicle or license plate data, the Vehicle File should be queried to determine if either is stolen.
- 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:
  - Any record entered by ORI/DCINTER00;
  - Any record entered by the inquiring agency; and
  - 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 the LOCATE section of this chapter.
- 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. Refer to the Other Transactions chapter of this manual for additional information on investigative interest supplemental records.

## 5.9 PROCEDURES FOR HANDLING AN INTERPOL RECORD RESPONSE

- 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.

- 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.
- 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 USCIS should be advised. The USCIS will determine whether to investigate the legality of the fugitive's entry into the United States.
- 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 NIA Field. Refer to the Other Transactions chapter of this manual for additional information on investigative interest supplemental records.

## 6 LOCATE

### 6.1 WHEN TO USE A LOCATE MESSAGE FOR A CANADIAN RECORD

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. A record should not be located if the locating agency is outside of the extradition limitation set forth in the record.

### 6.2 EXAMPLE OF A LOCATE MESSAGE FOR A CANADIAN RECORD

The locate example contains: header (1N01HEADER), message key (LW), apprehending/locating agency identifier (WA1230000), two record identifiers (NAM/SMITH JOHN and NIC/W000022525), date of apprehension/location (20000103), apprehending/ locating agency case number (8592), extradition information (EXTR) and benefits and effectiveness data: reason for person record removal (HIT NCIC 20000102) and wanted/ missing person hit results (4-held for extradition).

```
1N01HEADER.LW.WA1230000.NAM/SMITH, JOHN.NIC/W000022525.20000103.8592.
EXTR.HIT NCIC 20000102..4....
```

#### Acknowledgment

```
1L01HEADER
WA1230000
LOCATED NAM/SMITH, JOHN NIC/W000022525
```

The locate procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

### 6.3 LOCATE MESSAGE FOR AN INTERPOL RECORD

Foreign Fugitive File records entered by ORI/DCINTER00 cannot be placed in locate status by NCIC System users.

## 7 CLEAR

Only the RCMP and INTERPOL (USNCB) can clear records in this file. The clear procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

## 8 SUPPLEMENTAL RECORDS

Only the RCMP and INTERPOL (USNCB) are authorized to enter or cancel a Foreign Fugitive File supplemental record. The supplemental record procedures are the same as those for Wanted Person

File records which are detailed in the Wanted Person File chapter.

## **9 STOLEN/FRAUDULENT SUPPLEMENTAL RECORDS**

Only the RCMP and INTERPOL (USNCB) are authorized to enter or cancel a Foreign Fugitive File stolen/fraudulent supplemental record. The stolen/fraudulent supplemental record procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.