

PROVINCE OF ONTARIO
MINISTRY OF ATTORNEY GENERAL

CROWN POLICY MANUAL

March 21, 2005

EXTRADITION

PRINCIPLES:

Extradition refers to the diplomatic process by which one state arranges for the return of a fugitive found in another state in respect of a crime committed within the jurisdiction of the requesting state. Such formal requests may relate to those accused of crimes, as well as convicted offenders with outstanding sentences. Extradition is not necessarily the only available avenue for the delivering of persons from one state to another. In some circumstances, measures such as deportation may yield the same result.

The Extradition Act has application to requests made by foreign states for the surrender of fugitives within Canada's territory, as well as requests made by Canada for the return of accused and convicted offenders to Canada.

A request for extradition should begin with an inquiry by a police force to the local office of the Crown Attorney where the offence is likely to be prosecuted. Since a request for extradition by the Minister of Justice to the foreign jurisdiction warrants that a prosecution will proceed for the identified offences, a firm commitment in that regard, usually in writing from the appropriate Crown Attorney, is necessary. In assessing whether a request for extradition should be made, the following factors should be given careful consideration:

- Whether the Crown has a sufficiently strong case to support the extradition request
- Whether the general circumstances of the case warrant the initiation of extradition proceedings

- Whether the Crown will be seeking a relatively substantial period of imprisonment upon conviction, usually a penitentiary term
- In those cases where a substantial period of incarceration is not contemplated, whether there is a significant and pressing public interest in securing the return of the accused to Canada for prosecution.

Once the case has been reviewed by the appropriate Crown Attorney's office, and a commitment to prosecute is reached, a request is then made to the Deputy Director at the Crown Law Office – Criminal having responsibility for extradition files.