



State of New Mexico

Michelle Lujan Grisham
Governor

EXECUTIVE ORDER 2019-034

CREATING THE GOVERNOR'S FUGITIVE APPREHENSION UNIT

WHEREAS, as Governor, I am committed to promoting public safety, decreasing crime in our communities, and ensuring that people accused of crimes receive judicial process.

WHEREAS, the Secretary of the Department of Public Safety ("DPS Secretary") has broad statutory authority to assign New Mexico State Police ("NMSP") officers and other New Mexico Department of Public Safety ("DPS") personnel to enforce state law. See generally, NMSA 1978, § 9-19-3 (1989); NMSA 1978, § 9-19-6 (2015); NMSA 1978, § 9-19-7 (2015).

WHEREAS, New Mexico statutory law expressly charges NMSP with the authority to apprehend fugitives in any and all New Mexico communities. NMSA 1978, § 29-2-18 (2015) (providing NMSP officers with "full power to apprehend, arrest and bring before the proper court all law violators within the state"). The operative statutory language further provides that NMSP officers, upon request, may be temporarily designated to enforce specific legal provisions. Id.

WHEREAS, there are numerous persons charged with serious criminal offenses who have outstanding bench warrants because they failed to comply with court orders. For example, the Fifth Judicial District Attorney's office identified nearly fifty (50) individuals who have open bench warrants in cases involving violent felonies, and the Sixth Judicial District Attorney's Office identified nearly thirty (30) active bench warrants utilizing the same criteria. Perhaps most notably, the Administrative Office of the District Attorneys identified over 1,600 outstanding

bench warrants for persons charged with the commission of a violent crime.

WHEREAS, public safety is promoted when persons who are charged with violent crimes and other serious offenses appear for judicial proceedings and comply with court orders. See Larry Laudan, Ronald J. Allen, Deadly Dilemmas II: Bail and Crime, Chicago-Kent Law Review, Volume 85 Issue 1 (December 2009) (estimating that a serial felon, who is a fugitive from the law, commits two violent crimes per year); Recidivism Among Federal Offenders: A Comprehensive Overview, United States Sentencing Commission, March 2016 (studying recidivism rates and finding that offenders whose crimes involved firearms were most likely to be rearrested for additional crimes). Further, the fundamental principles underlying our justice system, such as rehabilitation and deterrence, are undermined when those persons accused of serious criminal offenses evade prosecution.

THEREFORE, for these reasons, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the laws of the State of New Mexico, do hereby ORDER and DIRECT:

1. The Governor's Fugitive Apprehension Unit ("FAU") is hereby created.
2. The DPS Secretary shall designate at least seven (7) NMSP officers to serve in the FAU with one (1) member to be selected as the FAU's team leader. All officers selected for the FAU must have a solid work history, be of high moral character, and without any significant disciplinary actions. The DPS Secretary shall confer with the NMSP Chief in selecting FAU members.
3. The Secretary of the New Mexico Corrections Department ("NMCD Secretary") shall also designate at least seven (7) staff members for assignment to the FAU. All New Mexico Corrections Department personnel selected for the FAU must have a solid work history, be of high

moral character, and without any significant disciplinary actions. The NMCD Secretary shall confer with the DPS Secretary and the NMSP Chief in selecting FAU members.

4. Provided the requisite authority is obtained from the appropriate governmental entity, the DPS Secretary may also assign persons from other law enforcement agencies to the FAU, including municipal police officers and members of a county sheriff's department. Such law enforcement officers shall serve in addition to the seven (7) NMSP officers designated for assignment to the FAU.

5. The FAU's primary function is to locate and arrest those persons charged with violent crimes and who have failed to appear for judicial proceedings or have outstanding bench warrants. Members of the FAU are instructed to confer with local law enforcement authorities and members of the judiciary to identify those individuals who meet these criteria. Once those persons have been identified, FAU members shall utilize all available resources to locate and arrest those persons.

6. The FAU shall notify the pertinent District Attorney's office of any arrests made, and the FAU shall also cooperate with the pertinent District Attorney's office in the course of judicial proceedings.

7. At the Governor's discretion, the FAU may also be called upon for other specific duties such as locating fugitives or other specific law enforcement functions.

8. All branches of the Executive Department, including all staff and personnel, shall cooperate with FAU requests for information and assistance.

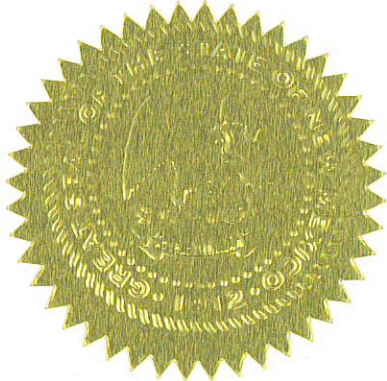
9. The Secretary, the NMSP Chief, and FAU members shall make monthly reports to the Governor documenting the FAU's efforts. That report shall include, inter alia, the names of

any person arrested, all pending crimes of which the person is accused, the jurisdiction in which the charges were filed, and the status of the criminal proceedings.

THIS ORDER supersedes any other previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until the Governor rescinds it.

ATTEST:

Maggie Toulouse Oliver
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE



DONE AT THE EXECUTIVE OFFICE
THIS 29TH DAY OF OCTOBER 2019

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

Michelle Lujan Grisham

MICHELLE LUJAN GRISHAM
GOVERNOR