



Las Cruces Police Department
GENERAL ORDERS
FIELD OPERATIONS VOLUME 2
GO-221 FUGITIVE FROM JUSTICE (CRITICAL)
Revised 7/6/2011

221 FUGITIVE FROM JUSTICE FILING PROCEDURES

PURPOSE

The purpose of this General Order is to outline the process for filing fugitive from justice paperwork.

POLICY

The Las Cruces Police Department (LCPD) will file fugitive from justice charges on all persons with confirmed out of state warrants with confirmed extradition.

APPLICABILITY

This General Order applies to all commissioned employees of the Las Cruces Police Department (LCPD). This policy supersedes all previous versions.

REFERENCES

- New Mexico State Statutes, Article 4, Extradition
- CALEA 1.2.5
- NMML OPR.12

DEFINITIONS

Fugitive from Justice – Any person charged in a state other than New Mexico with treason, felony or other crime that has fled from justice and is found in New Mexico.

221.01 FILING PROCEDURES

- A. When a fugitive from justice is apprehended, commissioned employees must adhere to the following guidelines:
1. Confirm through NCIC that the person is wanted and that the agency requesting detention will extradite.
 2. Complete the Magistrate Court Criminal Complaint charging the subject with fugitive from justice.



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3. Complete the Magistrate Court Statement of Facts in Support of Criminal Complaint.
4. Obtain a facsimile of the original warrant and make two (2) additional copies.
5. Obtain the original teletype confirming the warrant and extradition and make two (2) additional copies.
6. Turn the original facsimile of the warrant, original teletype, and original Criminal Complaint and Statement of Facts into the Magistrate Court box at the Dona Ana County Detention Center.
7. Provide copies of the facsimile of the warrant, the teletype confirming extradition, and Criminal Complaint and Statement of Facts to the booking officer at the Dona Ana County Detention Center and turn the remaining copies into the Records Section of the LCPD with the case number for the incident written on all copies.
8. Generate an Offense Incident report using the offense code **38M - Fugitive from Justice**.

221.02 ATTACHMENTS

Attachment A – Fugitive from Justice Statement of Facts

Attachment B – Fugitive from Justice Criminal Complaint

ATTACHMENT A – Fugitive from Justice Statement of Facts

**STATE OF NEW MEXICO
MAGISTRATE COURT
DONA ANA COUNTY
STATE OF NEW MEXICO**

Plaintiff

Date Filed _____

Vs.

Defendant

STATEMENT OF FACTS IN SUPPORT OF COMPLAINT

The undersigned, being duly sworn on his/her oath, has reason to believe that on or about the ___day of _____, _____ in Dona Ana County, New Mexico, the above-named defendant(s) did commit the crime of fugitive from justice, contrary to 31-4-13 NMSA 1978.

The undersigned further states the following facts on oath to establish probable cause to believe that the above-named defendant did commit the crime charged.

I, _____, undersigned affiant, am a full-time salaried law enforcement officer with the City of Las Cruces Police Department.

A. On _____, The above-named defendant was arrested by _____, a full-time salaried Law Enforcement Officer with the City of Las Cruces Police Department.

B. Affiant learned the above-named defendant had warrants for his arrest in the state of _____, for the crime(s) of _____, warrant number _____, date of warrant _____, issued by _____.

C. Affiant received confirmation from the _____ Police Department the above-named defendant was indeed wanted for the crime(s) of _____, and they would extradite the above-named defendant to the state of _____, for prosecution.

D. Based upon the above-stated facts and information, the undersigned affiant petitions the court to accept this statement of facts in support of complaint, charging the above-named defendant with the crimes of fugitive from justice, contrary to NMSA 1978, 31-4-13.

Subscribed and sworn to before me
in the county of Dona Ana of the
State of New Mexico this ____ day of
_____, 20__.

Judge

Police Officer

ATTACHMENT B – Fugitive from Justice Criminal Complaint

**STATE OF NEW MEXICO
COUNTY OF DONA ANA
MAGISTRATE COURT**

No. _____

STATE OF NEW MEXICO

v.

The State of New Mexico alleges that the above-named defendant is subject to extradition from this state to the State of _____.

(Check applicable alternative)

- The defendant is charged in the State of _____ with the crime of _____.
- The defendant has been convicted in the above state of the crime of _____ and has
 - escaped from confinement.
 - violated terms of release or bail.
 - violated terms of probation.
 - violated terms of parole.

The reason I believe that the defendant is the person identified in the fugitive warrant is:

(check all that apply)

- a copy of an NCIC message, teletype, warrant, indictment, information, affidavit, judgment of conviction or sentence so indicating is attached.
- the mode of transportation of the defendant.
- the physical description of the defendant.
- the date of birth of the defendant.
- the name of the defendant.
- Other: _____
(set forth other aspects showing that the defendant is the person sought I the other state)

The crime with which the defendant was charged or convicted is punishable in the above state by death or by imprisonment of more than one year.

The defendant was arrested on _____, 20____, at _____(a.m.) (p.m.) and is confined in the _____ (county) (city) jail.

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THIS FUGITIVE COMPLAIN IS TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISOMENT TO MAKE A FALSE STATEMENT IN A FUGITIVE COMPLAINT.

_____, 20 ____.
Date

Officer's signature

Title