



State of New Mexico

Michelle Lujan Grisham
Governor

EXECUTIVE ORDER 2021-013

EXECUTIVE ORDER ESTABLISHING THE NEW MEXICO MISSING AND MURDERED INDIGENOUS WOMEN AND RELATIVES TASK FORCE

WHEREAS, the welfare of New Mexican Indigenous women, children, and relatives is connected to the broader well-being, health, and safety of all New Mexicans;

WHEREAS, the missing and murdered Indigenous women and relatives (MMIWR) crisis in New Mexico and beyond is inextricably rooted in the larger, complex history of state-sanctioned colonial violence against Indigenous peoples;

WHEREAS, tribal nations across the United States face continued external threats that jeopardize tribal sovereignty and the well-being and safety of Indigenous women, children, and relatives;

WHEREAS, in 2009, based on a report from the U.S. Commission on Civil Rights, the Bureau of Indian Affairs found that federal funding for law enforcement personnel in Indian Country met only 42% of the need;

WHEREAS, New Mexico's 23 sovereign nations—19 Pueblos and four Tribes—each with its own land base bordering either state or federal lands, have distinct histories, cultures, and governments;

WHEREAS, law enforcement responses to MMIWR are impacted by lack of clarity around jurisdiction, particularly in rural parts of the state where land status varies mile to mile and in urban populations and border towns with large Indigenous populations;

WHEREAS, working relationships between tribal nations and law enforcement agencies exist in some areas, but are not reflective of the state as a whole;

WHEREAS, there is a dire need to better understand how dynamics in border towns—cities and towns near or adjacent to reservations with histories of racial tension—contribute to MMIWR cases across the state;

WHEREAS, it is critical that data be accurately reported and captured and more research be done to fully understand the scope of the MMIWR crisis and appropriate recommendations for justice;

WHEREAS, federal legislation has been passed with a look toward reviving tribal sovereignty to prosecute crimes by non-Indians on tribal lands, including the Tribal Law and Order Act of 2010 and the Violence Against Women Act of 2013;

WHEREAS, in 2020, Savanna’s Act and the Not Invisible Act were signed into law to improve coordination between tribes and law enforcement agencies and increase data access;

WHEREAS, jurisdictional restrictions between tribal, state, and municipal boundaries create barriers that restrict the ease of access and accuracy of the information collected and available between agencies when reporting missing and murdered cases;

WHEREAS, the complex maze of jurisdiction often slows and hampers an effective and coordinated response to the MMIWR crisis;

WHEREAS, commission agreements, cross-commissions, and memorandums of understanding are tools that must be explored and implemented across New Mexico to more effectively respond to MMIWR cases;

WHEREAS, New Mexico Missing Persons Information Clearinghouse data research analysis conducted in New Mexico between 2014-2019 reported 986 missing person cases, 97% of which remained unsolved and 16% of which involve Indigenous persons;

WHEREAS, due to the absence of an established reporting standard that requires documentation of tribal affiliation, the number of unsolved, missing, and murdered cases of the Indigenous demographic could be significantly higher;

WHEREAS, according to data from McKinley County and San Juan County between 2014-2019, 52% of unsolved missing person cases were identified as Indigenous;

WHEREAS, based on data collected from the New Mexico Police Department, specifically from McKinley County and San Juan County, Indigenous populations are overrepresented in missing and murdered cases in the Farmington and Gallup region;

WHEREAS, the absence of a uniform standard of data collection that includes a requirement of designating race and age creates inaccuracies in the total number of reported missing and murdered cases;

WHEREAS, many missing and murdered cases are not categorized as such and therefore are not reported to the state and national missing and murdered person databases;

WHEREAS, multiple tribal law enforcement agencies have strongly advocated for a uniform requirement that all tribal and non-tribal public safety agencies report missing and murdered cases regardless of jurisdictional boundaries;

WHEREAS, public safety agencies within tribal communities are requesting increased and continued financial resources to address the critical necessity of increasing staffing and workforce needs that affect investigations;

WHEREAS, a lack of critical funding to public safety agencies among tribal communities has adversely affected access to education and ongoing training on the significance of data collection practices and the overwhelming disparities of violence experienced among Indigenous populations;

WHEREAS, New Mexico's interstate highways, I-40 and I-25, have routes that traverse through tribal territories, increasing the likelihood of human trafficking which is tied to the crisis of missing and murdered Indigenous women and relatives;

WHEREAS, Indigenous populations of New Mexico experience violence at higher rates than the national average, and Native American women have the highest rate of homicide among all racial and ethnic groups;

WHEREAS, the federal government declines to prosecute many major crimes that occur on tribal lands due to insufficient evidence, resulting in a lack of justice for the victim, the family, and the community; and

WHEREAS, inconsistent financial support and resources result in victim service gaps in rural areas of New Mexico, such as a lack of access to specialized medical, mental health, legal services, and limited crisis prevention, limited substance abuse prevention, and inadequate family shelters and housing programs.

NOW THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and Laws of the State of New Mexico, do hereby **ORDER** and **DIRECT** as follows:

1. The New Mexico Missing and Murdered Indigenous Women and Relatives Task Force (the "Task Force") is created to develop a state response plan addressing systemic changes that support prevention, reporting, and investigation of MMIWR incidents.

2. The Task Force shall consist of no more than 40 members appointed by the Secretary of the Indian Affairs Department (the “Secretary”).

3. The Task Force members shall not be compensated for their service, other than for per diem for members traveling more than 100 miles to the designated meeting location, or for contractual services that the Secretary deems as necessary, subject to appropriations.

4. The Secretary shall serve as the Chair, appointing representatives, convening meetings, facilitating stakeholder participation, and providing strategic direction for achieving the above outlined goals.

5. Members of the Task Force, whom shall serve at the pleasure of the Secretary, shall include the following:

i. No more than ten representatives from the New Mexico Department of Public Safety, including the Department’s Missing Persons Clearinghouse; the New Mexico Children, Youth & Families Department; the Office of the New Mexico Attorney General; the United States Bureau of Indian Affairs, Office of Justice Services; the New Mexico Sheriff’s Association; and the municipal police departments of the Cities of Albuquerque, Gallup, Farmington, and Santa Fe;

ii. Two Legislators, including one Senator and one Representative nominated by the majority leaders of the House and Senate who serve on the following interim committees: Courts and Criminal Justice, Indian Affairs, and Health and Human Services;

iii. No more than three Pueblo representatives from a Northern Pueblo, a Southern Pueblo, and the All Pueblo Council of Governors;

iv. No more than two representatives from the Jicarilla Apache Nation;

v. No more than two representatives from the Mescalero Apache Tribe;

vi. No more than three representatives from the Office of President and Vice President of the Navajo Nation, the Navajo Nation Council, and the Navajo Nation Chapter House;

vii. No more than five representatives from an Urban Indian Center, a local nongovernmental organization that provides counseling services to Indigenous peoples who have been victims of violence, a statewide or local nongovernmental organization that provides legal services to indigenous women and girls who have been victims of violence, a local nongovernmental organization that provides direct services to homeless individuals, a local nongovernmental organization that provides direct services to survivors of sex trafficking;

viii. No more than four representatives from the Coalition to Stop Violence Against Native Women, Missing and Murdered Diné Relatives, the New Mexico Crime Victim Reparation Commission, and the Navajo Nation Human Rights Commission;

ix. No more than five representatives who are Indigenous survivors of violence or family members of an Indigenous relative who has been a victim of violence, members of the LGBTQ/2S+ community, and Indigenous youth; and

x. No more than four representatives who have experience working as a tribal prosecutor, a tribal criminal investigator, a tribal dispatcher, a tribal police chief, or a tribal social worker or program director.

6. The Task Force shall form subcommittees, including a Steering Committee, a Data Subcommittee, a Systems Subcommittee, and a Community Impact Subcommittee.

7. Each subcommittee shall nominate a chair, who must also serve on the Steering Committee.

8. The Steering Committee shall compile policy recommendations and legislative proposals.

9. The Task Force, through the subcommittees, shall develop a MMIWR State Response Plan that will advise the Executive Branch on initiatives, programs, and policy changes that will support implementation of Task Force report recommendations.

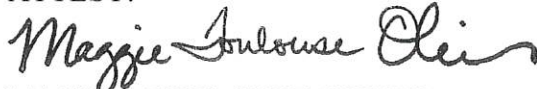
10. The Task Force shall evaluate policies and explore legislation that can be presented to the appropriate interim legislative committees and introduced during the 2022 Legislative Session to improve the state's efforts surrounding prevention and response to MMIWR incidents.

11. The Task Force shall develop a framework for the State Response Plan and present proposed legislation to the appropriate legislative interim committees and the Governor as soon as possible.

I FURTHER ORDER and **DIRECT** as follows:

1. This Order shall take effect immediately and shall remain in effect until June 30, 2022, unless otherwise modified, rescinded, or renewed.

ATTEST:



MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 5TH DAY OF MAY 2021

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



MICHELLE LUJAN GRISHAM
GOVERNOR