



NNOAC *Insight*

The Official Position of the National Narcotic Officers' Associations Coalition

SUPPORT FOR SENATE CONCURRENT RESOLUTION IN SUPPORT OF THE EXTRADITION OF CRIMINALS FROM MEXICO

The National Narcotic Officers' Associations' Coalition (NNOAC) strongly supports the Concurrent Resolution being offered by Senator Dianne Feinstein of California, expressing the sense of the Congress that the President of the United States should secure the right of the United States of America and the individual states to prosecute and punish serious criminals according to applicable Federal and State statutes, those individuals, who flee to Mexico following their crimes to escape prosecution.

The extradition treaty between the United States of America and the United Mexican States was signed in Mexico City May 4th, 1978 and entered into force January 25, 1981 (31 UST 5059) (hereafter the "Extradition Treaty"), Mexico has refused to extradite unconditionally the United States fugitives facing Capital punishment. The Mexico Supreme Court ruled in October 2001 that life imprisonment violates the constitution of Mexico and Mexico has subsequently repeatedly violated its extradition treaty by refusing to extradite unconditionally, criminals who are subject to life sentences in the United States.

As professional law enforcement officers, we are aware that many individuals who commit serious crimes in the United States have fled to Mexico to avoid prosecution and have not been brought to justice in the United States because of Mexico's current interpretation of the extradition treaty. Persons who have fled to Mexico to avoid prosecution in the United States and who are now being held in Mexican jails include persons believed to be responsible for the April 29, 2002 murder of Los Angeles County, California, Deputy Sheriff David March, the July 17, 2000 killing of Officer Michael Dunman, the August 29, 1998 murder of twelve year old Steven Morales, the April 9, 1999 attempted murder of Anabelle Van Perez, and the subsequent August 26, 1999 murder of her father Carlos Vera.

The Attorneys General from all 50 states, the National League of Cities, numerous elected officials, and law enforcement associations have asked the United States Attorney General and the Secretary of State to address this extradition treaty

with their counterparts in Mexico. All of this support and subsequent efforts by the State Department to remedy this problem have been without result.

The fact that we share a 2,000 mile extremely porous border with Mexico and with the transportation infrastructure that is available throughout the United States, citizens of Mexico who commit violent or serious crimes, including the murder of police officers and innocent citizens can flee to Mexico. Even if Mexican law enforcement officers are successful in arresting them, they will not receive the punishment that is due them for a violation of our laws because of Mexico's refusal to honor their lawful extradition treaty. The Government of Mexico has long described itself as an ally of the United States. If Mexico were our ally, a true proof of their commitment would be the extradition of these violent criminals to face justice in the United States. These thugs would soon realize that they are in the greatest country in the world. A country where criminals cannot use corruption, power, and influence to escape justice or seek lenient or preferential treatment.

The lack of cooperation by the Government of Mexico has been demonstrated in their refusal to extradite these dangerous criminals to the United States and has made these thugs virtually immune from the justice that they deserve. By refusing to extradite, the Government of Mexico is encouraging the murder of persons in the United States, especially police officers in circumstances where a criminal knows that he or she may face lengthy incarceration for their violent acts or the serious crimes they have committed in the United States and yet they have only to kill that police officer, flee to avoid prosecution, and at most, they will face incarceration in their own country, in jails where corruption and influence are the norm rather than the exception.

The NNOAC strongly urges all members of the Congress to support Senator Feinstein's Concurrent Resolution expressing a *Sense of the Congress* that the President should address Mexico's failure to fulfill its obligations under the extradition treaty by renegotiating the extradition treaty or taking other action to ensure that criminals from Mexico who may face capital punishment or life imprisonment in the United States will be subject to timely and unconditional extradition to the United States for prosecution.