

# STATE OF COLORADO

## OFFICE OF THE GOVERNOR

136 State Capitol  
Denver, Colorado 80203  
Phone (303) 866-2471  
Fax (303) 866-2003



John W. Hickenlooper  
Governor

## D 2014-005

### EXECUTIVE ORDER

#### **Employing the National Guard for the Purpose of Assisting Otero County and the Department of Corrections with a Search and Enforcing Colorado's Laws**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to relevant portions of C.R.S. § 28-3-104 and the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order employing the National Guard for the purpose of protecting life, enforcing Colorado's laws, and assisting Otero County and the Colorado Department of Corrections with a search.

#### **I. Background and Purpose**

The Governor is responsible for meeting the dangers to the state and people presented by disasters. The Colorado Disaster Emergency Act defines a disaster as the "imminent threat of widespread or severe damage, injury or loss of life or property resulting from any . . . cause of human origin, including but not limited to . . . civil disturbance . . . condition of riot, insurrection, or invasion existing in the state or in any county, city, town or district in the state." C.R.S. § 24-33.5-703(3).

On March 4, 2014, at approximately 2130 hours, four prisoners escaped from the Otero County Jail. One of the escapees is a Colorado Department of Corrections parolee who was in the custody of the Otero County Sheriff's Department. The Otero County Sheriff and the Colorado Department of Corrections deployed ground search assets. At approximately 2300 hours, the Otero County Sheriff's Office requested the assistance of the Colorado National Guard, specifically a helicopter with a searchlight and Forward Looking Infrared Radar (FLIR) capability for search operations. This capability was unavailable to the Otero County Sheriff except through the Colorado National Guard. Further, because the Department of Corrections has responsibility for one of the escapees, deployment of state assets to assist was appropriate. At

approximately 2300 hours on March 4, 2014, I verbally authorized the activation of the National Guard pursuant to C.R.S. §§ 28-3-104 and 16-2.5-144. This Executive Order memorializes my verbal order. Due to weather conditions, the deployment of the helicopter did not occur until approximately 0800 hours on March 5, 2014. As of 1700 hours on March 5, 2014, three of the four inmates have been captured and the Otero County Sheriff's Department has assumed command of the search for the fourth.

II. Declaration and Directives

- A. The escape of four prisoners from the Otero County Jail constitutes a disaster emergency under § 24-33.5-701, 705. My verbal orders activating the National Guard and authorizing the utilization of National Guard assets to assist in the search and to enforce the laws of the State of Colorado pursuant to C.R.S. §§ 28-3-104 and 16-2.5-144 are hereby memorialized by this Executive Order and shall have the full force and effect of law as if they were contained within this Executive Order.
- B. Pursuant to C.R.S. § 24-33.5-706(4), the demand on the funds regularly appropriated to the state and local agencies in coping with this disaster are unreasonably great. Therefore, it is ordered that \$50,000 from the Disaster Emergency Fund is encumbered to pay for the use of the National Guard helicopter. These funds are available in the Disaster Emergency Fund from unexpended and reimbursed amounts from previous disasters in 2011 and 2012.

III. Duration

This Executive Order shall expire thirty days from March 4, 2014, unless extended further by Executive Order, except that the funds described in paragraph II(B) above shall remain available for the described purposes for eighteen months from the date of this Executive Order.



GIVEN under my hand and the  
Executive Seal of the State of  
Colorado this seventh day of  
of March, 2014.

  
John W. Hickenlooper  
Governor