

EXECUTIVE ORDER 2012-02

Continued Law Enforcement Training for Immigration Laws

WHEREAS, Senate Bill 1070 – the “Support Our Law Enforcement and Safe Neighborhoods Act” – was signed into law on April 23, 2010, and established a statewide policy to discourage and deter the unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States; and

WHEREAS, in accordance with Article V, Section 4 of the Arizona Constitution, the Governor is responsible for the supervision of the executive department and is obligated and empowered to protect the interests of the people and the State by taking care that the laws are faithfully executed; and

WHEREAS, Senate Bill 1070 prohibits any official or agency of this state or a county, city, town or other political subdivision of this state from limiting or restricting the enforcement of federal immigration laws to less than the full extent permitted by federal law; and

WHEREAS, Senate Bill 1070 provides that the immigration enforcement by police agencies shall be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons and respecting the privileges and immunities of United States citizens; and

WHEREAS, Senate Bill 1070 prohibits a law enforcement official or agency of this state or a county, city, town or other political subdivision of this state from solely considering race, color or national origin in implementing Senate Bill 1070 except to the extent permitted by the United States Constitution or Arizona Constitution; and

WHEREAS, the Arizona Peace Officer Standards and Training Board (Board) was established by law to address the need for uniform peace officer selection, recruitment, retention and training standards, and to provide curriculum and standards for all certified law enforcement training facilities; and

WHEREAS, the Board is required by A.R.S. § 41-1822(A)(4) to prescribe minimum courses of training for law enforcement officers in the state and all political subdivisions; and

WHEREAS, the Board members are appointed by the Governor pursuant to A.R.S. § 41-1821, and the Governor may in accordance with A.R.S. § 41-101(A)(9), require the Board to make special reports to the Governor upon written request; and

WHEREAS, on April 23, 2010 Executive Order 2010-09 was issued establishing law enforcement training for immigration laws.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby order and direct as follows:

1. On or before June 15, 2012, the Board shall redistribute the course of training for law enforcement officers in the state and all political subdivisions regarding the implementation of Senate Bill 1070.

2. The course of training established by the Board includes a DVD and the redistributed training materials shall include a re-chaptered version of the DVD, including brief summaries of the content of each chapter, thereby assisting trainees to identify specific portions of the training materials.
3. The redistributed training materials also shall include an explanation of documents law enforcement officers can use to determine whether identification presented to them is sufficient to presume a person is not an unlawfully present alien.
4. The course of training established by the Board and redistributed shall (i) continue to highlight and provide clear guidance to law enforcement officials regarding what constitutes reasonable suspicion, (ii) make clear that an individual's race, color or national origin alone cannot be grounds for reasonable suspicion to believe any law has been violated, and (iii) provide statewide and uniform practices to assure that law enforcement officials and agencies are implementing Senate Bill 1070 in a manner that is consistent with federal laws regulating immigration, protects the civil rights of all persons and respects the privileges and immunities of United States citizens.
5. If the injunction as to any of the enjoined provisions of Senate Bill 1070 is lifted by the United States Supreme Court, the Board shall supplement the redistributed training materials with an explanation of any specific guidance provided by the United States Supreme Court regarding the implementation of the previously enjoined provision(s). The Board shall use its best efforts to distribute the supplemental information within thirty days of the United States Supreme Court's decision.
6. The Board shall submit a written report to the Governor no later than August 31, 2012, setting forth its compliance with this Executive Order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
GOVERNOR

DONE at the Capital in Phoenix, Arizona this 12th day of June in the Year Two Thousand Twelve and of the Independence of the United States of America the Two Hundred and Thirty-Sixth.

ATTEST:

Ken Blumenthal

SECRETARY OF STATE