

Executive Order 2006-12
Establishing the Governor's Citizen's Traffic Stop Advisory Board

WHEREAS, the state of Arizona and the Department of Public Safety (DPS) are committed to implementing unbiased policing and eliminating the negative effects of racial profiling; and

WHEREAS, racial or ethnic profiling is defined as the reliance on race, skin color, and/or ethnicity as an indication of criminality, reasonable suspicion, or probable cause, except when part of a description of a suspect, and said description is timely, reliable, and geographically relevant; and

WHEREAS, racially biased policing occurs when an officer permits personal, societal, or organizational biases to affect his or her professional interaction with any person; and

WHEREAS, DPS implemented General Order Number 4.2.30: Racially Biased Policing on January 1, 2005, which states: "racially biased policing, including racial profiling is unethical and unacceptable" and established a policy against the use of such behavior; and

WHEREAS, to insure full implementation and compliance with this policy, and confidence in the public that racial biased policing is not occurring in Arizona, it is appropriate to create a citizens review board to monitor DPS policies and actions and make recommendations regarding the same; and

WHEREAS, DPS recently settled litigation styled *Arnold, et al v. Arizona Dep't of Pub. Safety, et al.*, CIV 01-1463 PCT-JAT (D. Ariz.) (the "Litigation") brought by a class of plaintiffs who alleged they had been subject to racially biased policing;

NOW, THEREFORE, I, Janet Napolitano, 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. The *Governor's Citizen's Traffic Stop Advisory Board* ("*Board*") is created to review DPS practices, policies and procedures relating to racial profiling, traffic stops, and vehicle searches to ensure that the use of racial profiling is eliminated.
2. The *Board* shall meet at least three times per year and be comprised of nine (9) members, each of whom shall be appointed by the Governor, and serve, without compensation, at the pleasure of the Governor:
 - Four representatives from the Governor's African-American and Latino Advisory Committees;

- Three persons from names forwarded by a committee convened by the plaintiff's representative in the Litigation;
 - Two persons from the public at large.
3. The Governor shall designate the chairperson of the *Board*. The chairperson shall not be employed in any law enforcement agency or as a prosecutor. The chairperson shall have the power to convene the *Board*.
 4. The *Board* shall not be comprised of any of the following:
 - DPS employees;
 - Attorneys to the Litigation or persons who served as an expert for either party to the Litigation; or
 - Persons involved in any civil or criminal lawsuits involving claims of racial profiling.
 5. No more than two (2) members of law enforcement agencies or prosecutors may serve on the Board at any one time.
 6. The *Board* shall exist for no fewer than five (5) years after the effective date of the settlement to the Litigation.
 7. The Governor shall fill any vacancies on the *Board* within sixty (60) days. The Governor shall choose replacement members from the same membership categories as departing members. If the vacancy is left by a member nominated by the plaintiff's representatives, two candidates shall be submitted to the Governor to choose from and no more than one of the two persons nominated can have been previously nominated by the plaintiff's representative.
 8. The *Board* shall, among other things:
 - Ensure the requirements of the settlement agreement in the Litigation are being implemented by DPS;
 - Review DPS practices, policies and procedures relating to racial profiling and related traffic stops and vehicle searches;
 - Have access to any DPS records, data, statistics or reports the *Board* deems necessary to make informed assessments and recommendations, with the exception of any material that is privileged, private or confidential under state or federal law;
 - Receive and consider input, as necessary, from citizens, community groups, law enforcement or parties' representatives pertaining to potential or perceived race-based vehicle stops and/or vehicle searches by DPS personnel, and to related DPS policies and procedures;
 - Make recommendations, as necessary, to the DPS Director and Governor regarding any proposed changes or improvements in DPS

policies and practices that the *Board* approves by a majority vote of the membership.



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

J. D. Reynolds
GOVERNOR

DONE at the Capitol in Phoenix on this *22nd* day of August in the Year Two Thousand and Six and of the Independence of the United States of America the Two Hundred and Thirty-First.

ATTEST:

Janice K. Brewer
SECRETARY OF STATE