

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

★

EXECUTIVE ORDER

Executive Order 2021-17

**Certification of Law Enforcement Officers Serving Under
the Emergency Management Assistance Compact**

WHEREAS, as a result of the new Presidential Administration’s policy changes regarding immigration, foreign nationals began entering the United States at substantially higher rates through both legal and illegal means; and

WHEREAS, it is known that human trafficking and illegal narcotics activities occur during border crossings and increase dramatically with large numbers of foreign nationals crossing the border; and

WHEREAS, the federal government’s failure to prevent, mitigate, or take significant action to stop or reduce this influx of foreign nationals has created conditions of extreme peril to the safety of persons and property within our state, beyond the control of the services, personnel, equipment, and facilities of any single county, city, or town; and

WHEREAS, Arizona Revised Statutes (“A.R.S.”) § 26-303(D) authorizes a declaration of emergency in accordance with A.R.S. § 26-301(15) when such conditions exist; and

WHEREAS, on April 20, 2021, I, Douglas A. Ducey, as Governor of the State of Arizona issued a Declaration of Emergency and announced the deployment of the Arizona National Guard to support local law enforcement efforts to confront the national crisis at our southern border; and

WHEREAS, accordingly, the State of Arizona has joined the Emergency Management Assistance Compact (EMAC), which is codified at A.R.S. § 26-402; and

WHEREAS, as signatories to the EMAC, Arizona and every signatory state recognizes many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing emergencies like the one at our nation’s southern border; and

WHEREAS, A.R.S. § 26-402, Article V of EMAC provides that a person holding a certification, issued by any state party to the compact evidencing qualifications for professional, mechanical or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed certified by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitation and conditions as the Governor of the State of Arizona, may prescribe by executive order or otherwise; and

WHEREAS, A.R.S. § 26-402, Article III(B)(i) of EMAC specifically authorizes the exchange of licensed law enforcement personnel during emergencies; and

WHEREAS, under A.R.S. § 26-402, Article III(A)(vii), Arizona has the obligation to provide, to the extent authorized by law, for suspension of any statutes in order to carry out plans and programs in order to respond to emergencies; and

WHEREAS, on June 22, 2021, a request pursuant to A.R.S. § 26-402 was issued to all states requesting law enforcement assistance on the Arizona border to detect, deter and disrupt transnational criminal organizations and activity.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of the State, do hereby order that effective immediately:

A certified peace officer who is vested with arrest authority from a state that is responding to a request for assistance from the State of Arizona under the Emergency Management Assistance Compact adopted by A.R.S. § 26-402 shall be recognized as a certified peace officer pursuant to the laws of the State of Arizona subject to the following conditions and limitations:

1. All peace officers certified pursuant to this Executive Order, shall be afforded all of the powers and duties of peace officers of the State of Arizona, including the power to arrest.
2. These powers and duties may only be exercised while operating within the borders of the State of Arizona and under orders authorized and issued pursuant to the Emergency Management Assistance Compact.
3. Peace officers exercising authority pursuant to this Executive Order shall continue to work under the command and control of their home agency. Any organizational unit shall operate under the control of the emergency services authorities of the State of Arizona pursuant to Article IV of the EMAC.
4. Peace officers exercising authority pursuant to this Executive Order shall retain the authority for the duration of their service under orders issued pursuant to the Emergency Management Assistance Compact, as well as their powers and duties, for so long as the Declaration of Emergency declared on April 21, 2021 remains in effect.

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



GOVERNOR

DONE at the Capitol in Phoenix on this sixth day of July in the year Two Thousand and Twenty-one and of the Independence of the United States of America the Two Hundred and Forty-Sixth.

ATTEST:



Secretary of State

