



EXECUTIVE ORDER

15-02

**EXECUTIVE ORDER ESTABLISHING
GOVERNOR'S NEW AMERICANS TRUST INITIATIVE**

WHEREAS, the State of Illinois is committed to fair and equitable treatment of all individuals in the enforcement of its criminal laws and the administration of its criminal justice system; and

WHEREAS, law enforcement agencies rely on the trust of the communities they serve so that all residents will feel safe in reporting crimes and aiding the prosecution of suspects; and

WHEREAS, community policing efforts are hindered when immigrant residents who are victims of or witnesses to crime, including domestic violence, are less likely to report crime or cooperate with law enforcement out of fear that any contact with law enforcement could result in deportation. Deterred from reporting to or cooperating with local law enforcement, victims or witnesses may never learn about or pursue opportunities for lawful status such as U and T nonimmigrant visas, which are intended in part to encourage people to report crimes; and

WHEREAS, unlike criminal detainers and warrants, which comply with fundamental protections under the Fourth Amendment to the U.S. Constitution and Article I, Section 6 of the Illinois Constitution, immigration detainers and administrative immigration warrants do not require a showing of probable cause or any of the other procedural protections that undergird the right to be free from unreasonable searches or seizures; and

WHEREAS, immigration detainers can result in persons being held and transferred into immigration detention without regard to whether their arrest is the result of a mistake, or merely a routine practice of questioning individuals involved in a dispute without pressing charges, and as a result, immigration detainers have erroneously been placed on United States citizens and on immigrants who are not deportable; and

WHEREAS, immigration detainers and administrative immigration warrants are voluntary requests that generally do not confer arrest authority on State and local law enforcement, and there is no independent State arrest authority for civil immigration matters under an immigration detainer or administrative immigration warrant; and

WHEREAS, the State of Illinois has historically been a national leader in supporting immigrant integration into life in the United States;

THEREFORE, I, Pat Quinn, Governor of Illinois, by virtue of the executive authority vested in me by Article V of the Constitution of the State of Illinois, do hereby order as follows:

1. No law enforcement agency under the jurisdiction of the State of Illinois, including but not limited to the Illinois State Police, Illinois Conservation Police, and the Secretary of State Police, may detain or continue to detain any individual solely on the basis of any immigration detainer or administrative immigration warrant, or otherwise comply with an immigration detainer or administrative immigration warrant, including communicating an individual's release information or contact information, after that individual becomes eligible for release from custody.

2. No law enforcement official under the jurisdiction of the State of Illinois, including but not limited to the Illinois State Police, Illinois Conservation Police, and the Secretary of State Police, shall stop, arrest, search, detain, or continue to detain a person solely based on an individual's citizenship or immigration status or on an administrative immigration warrant entered into the Federal Bureau of Investigation's National Crime Information Center database, or any successor or similar database maintained by the United States.
3. The Illinois Law Enforcement Training Standards Board, established by the Illinois Police Training Act, 50 ILCS 705/1 et seq., shall adopt rules for minimum standards for a course of study on cultural sensitivity training, including training on U and T nonimmigrant visas among other remedies for immigrant survivors of criminal activity. Subject to available funding, each State of Illinois law enforcement agency's continuing education program shall provide to each law enforcement official continuing education concerning the U and T nonimmigrant visas and continuing education concerning cultural diversity awareness.
4. Neither the Illinois Department of Corrections nor any other State of Illinois law enforcement agency may consider an immigration detainer or administrative immigration warrant in determining an individual's eligibility or placement in any educational, rehabilitative, or diversionary program described in Chapter 730 of the Illinois Compiled Statutes or any other educational, rehabilitative, or diversionary program administered by a law enforcement agency.
5. Nothing in this order shall be construed as restricting the authority of any State of Illinois law enforcement official or law enforcement agency to conduct any of the activities listed in this order if an immigration agent presents a valid and properly issued criminal warrant or if the law enforcement official has a legitimate law enforcement purpose that is not related to the enforcement of immigration laws.

I. SEVERABILITY

If any provision of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

II. EFFECTIVE DATE

This Executive Order shall be in full force and effect upon its filing with the Secretary of State.



Pat Quinn, Governor

Issued by Governor: January 5, 2015
Filed with Secretary of State: January 5, 2015

FILED
INDEX DEPARTMENT
JAN 05 2015
IN THE OFFICE OF
SECRETARY OF STATE