



CITY OF HOUSTON – CITY COUNCIL

Meeting Date: 4/1/26
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Proposition A Council Member Item: Immigration Procedures

Summary: ORDINANCE AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, by adding Section 34-41 relating to immigration procedures and defining the minimum level of required cooperation with federal immigration authorities.

Background:

Effective policing in Houston depends on trust between law enforcement and the communities they serve. When residents fear that routine interactions with local police could lead to a family member being detained by ICE, they may hesitate to report crimes, cooperate as witnesses, or seek assistance, undermining public safety.

Recent community concerns have focused on when Houston Police Department (HPD) officers are required to contact federal immigration authorities during routine encounters. Uncertainty about these requirements has created confusion for officers and residents alike, contributing to fear, eroding trust, and diverting attention from criminal enforcement priorities.

Much of this confusion stems from civil administrative immigration warrant information that may appear when conducting background checks. Administrative immigration warrants are civil in nature and only authorize federal immigration authorities to take custody of an alleged deportable noncitizen for immigration proceedings. Administrative immigration warrants do not provide a basis for local law enforcement agencies, like HPD, to arrest, detain, or transport someone to jail. While HPD policy, pursuant to General Order 500-05, recognizes that immigration status alone is not grounds for local police action, existing procedures have been interpreted as requiring broader engagement with federal immigration authorities than is mandated by state law.

State law, including Texas Government Code Section 752.053, commonly referred to as Senate Bill 4, precludes local entities from adopting policies that prohibit or materially limit enforcement of immigration laws. At the same time, state law does not require local law enforcement to exceed those minimum obligations. This ordinance affirms the City of Houston's compliance with law and mandates only the minimum level of cooperation required by law.

Furthermore, pursuant to the Fourth Amendment of the United States Constitution, traffic stops may last only as long as reasonably necessary to complete the legitimate purpose of the stop and may not be prolonged to conduct unrelated detention activity absent independent reasonable suspicion. By clearly defining when officers are required to contact ICE, and when no additional action is required, this ordinance provides clarity for officers, reassures the community, and supports a continued focus on criminal enforcement.

Effective March 11, 2026, HPD issued an updated internal directive requiring supervisory review

for administrative hits and directing release if ICE cannot respond within 30 minutes of warrant verification. While this directive adds oversight, officers are still required to contact ICE based solely on an administrative warrant hit, and it does not resolve the constitutional concern that routine traffic stops may not be prolonged beyond the time reasonably necessary to complete their lawful purpose. This ordinance establishes a clear standard consistent with constitutional limits and the minimum level of cooperation required under state law.

Several Texas jurisdictions have already adopted policies reflected in this ordinance. Bexar County Sheriff's Directive 26-01 states that an ICE administrative warrant alone is not a lawful basis for arrest, transport, or continued detention. Austin Police Department policy states that officers may, but are not required to, contact ICE regarding administrative warrants and may not prolong detention to wait for ICE, and the city requires regular public reporting on immigration-related law enforcement activity. Dallas Police Department guidance directs officers not to enforce administrative warrants.

Specific Explanation:

This ordinance amends Chapter 34 of the Code of Ordinances to establish a clear, uniform standard for when Houston Police Department officers are required to contact federal immigration authorities. Specifically, the ordinance mandates cooperation with United States Immigration and Customs Enforcement (ICE) upon receipt of a detainer request as required by SB 4 and directs HPD officers to act on ICE criminal warrants and NCIC/TCIC hits consistent with department policy.

At the same time, the ordinance makes clear that the Houston Police Department does not enforce administrative warrants and City policy does not require officers to contact federal immigration authorities based solely on civil administrative immigration warrant information. Administrative immigration warrants are civil in nature and do not, by themselves, authorize arrest or detention. Nothing in this ordinance prohibits officers from contacting federal immigration authorities; rather, it establishes that City policy requires ICE contact only to the extent mandated by law.

The ordinance further establishes the permissible duration of temporary detentions during field encounters such as traffic stops. Consistent with the Fourth Amendment of the U.S. Constitution, officers may detain an individual only for the time reasonably necessary to complete the legitimate purpose of the stop or investigation. The ordinance, therefore, provides that officers may not prolong a detention solely to facilitate federal immigration investigations or arrest absent an independent lawful basis for continued detention.

This ordinance promotes transparency and accountability regarding the use of City resources for immigration enforcement by requiring the Administration to provide City Council with a semiannual memorandum, with exceptions to protect ongoing criminal investigations or prosecutions. The memorandum will include anonymized records detailing officer immigration status inquiries and instances of ICE contact.

Any resulting operational updates would occur through HPD's existing administrative processes. The anticipated impact is clearer guidance for officers, reduced confusion about required contact with federal authorities, improved allocation of officer time and resources, and improved community understanding of local enforcement practices while maintaining full compliance with state and federal law.

Proposal:

This ordinance shall amend Chapter 34, Police and Fire Protection, by adding the following language:

Section 34-41. - Immigration Procedures

- (a) Definitions. Unless otherwise indicated, the following words shall, for purposes of this section, have the following meanings:
- (1) *ICE*. U.S. Immigration and Customs Enforcement (ICE) enforces federal laws governing border control, customs, trade, and immigration to promote homeland security and public safety.
 - (2) *NCIC*. National Crime Information Center database maintained by the Federal Bureau of Investigation.
 - (3) *TCIC*. Texas Crime Information Center database maintained by the Texas Department of Public Safety.
 - (4) *Background check*. A routine law enforcement database inquiry conducted through NCIC or TCIC during the course of official duties.
 - (5) *Criminal warrant*. A warrant issued by a neutral magistrate or judge based upon probable cause that a criminal law has been violated.
 - (6) *ICE administrative warrant*. An administrative warrant (form I-200/I-205) issued by ICE personnel for civil immigration violations. ICE administrative warrants are not reviewed by a neutral magistrate or judge and are not probable cause for a criminal arrest.
 - (7) *Field encounter*. A temporary investigative or enforcement interaction between an officer and civilian individual, including traffic stops and disturbance interviews.
 - (8) *ICE detainer*. A request made by ICE through I-247 or a similar or successor form to maintain custody of someone already lawfully arrested and booked, usually in a jail setting.
- (b) Pursuant to section 752.053 of the Texas Local Government Code, nothing in this section shall be construed to prohibit or materially limit cooperation with federal immigration authorities as required by state law. This section establishes the specific circumstances under which officers are required to contact federal immigration authorities. This section does not impose additional obligations beyond state law.
- (c) Officers shall honor ICE detainer requests pursuant to the Texas Code of Criminal Procedure section 2A.060.
- (d) If an officer receives an NCIC/TCIC criminal warrant hit from ICE, officers shall follow the same procedures they would follow for a criminal warrant obtained by any other law enforcement agency
- (e) If an officer receives an NCIC/TCIC administrative warrant hit and no criminal warrant is present, officers may, but are not required to, contact federal immigration authorities.
- (f) During a field encounter, in accordance with the Fourth Amendment of the U.S. Constitution, officers may temporarily detain an individual only as long as reasonably necessary to complete the legitimate purpose of the initial stop or investigation. An ICE administrative warrant is civil

in nature and, alone, does not justify a stop, arrest, or continued detention by local law enforcement, like HPD. If independent reasonable suspicion of a criminal offense sufficient to justify arrest or continued detention does not exist, the individual must be released.

- (g) Each council member shall receive a semiannual memorandum from HPD concerning the use of City resources for immigration enforcement, excluding information that would jeopardize any ongoing criminal investigation or prosecution. The report shall include anonymized records of:
- (1) each instance where officers inquired into immigration status, including: the offense or ordinance section if any; the reason for the inquiry; the person's race and ethnicity; the number of officers involved; the officer employee numbers of the inquiring officers; and the general location, such as the ZIP code of the incident.
 - (2) each instance where officers contacted federal immigration authorities, including ICE, or responded to requests during a field encounter from such federal immigration authorities, including: the reason for the stop, detention, or arrest; the offense or ordinance section if any; whether an administrative warrant, detainer, or criminal warrant was involved; the start and end times of detention; the officer employee numbers of the inquiring officers; the number of individuals taken into federal immigration custody for alleged civil immigration violations if known; the person's race and ethnicity; the number of officers involved; and the general location, such as the ZIP code of the incident.



Alejandra Salinas, Houston City Council Member, At-Large Position 4



Abbie Kamin, Houston City Council Member, District C



Edward Pollard, Houston City Council Member, District J