

11. ORDINANCE **AMENDING SECTION 34-41 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Law Enforcement Field Encounters and Interactions with Federal Immigration Authorities

Sec. 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 commanding the arrest of an individual either to conduct removal proceedings or for removal ~~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 or by agreement. ~~This section does not impose additional obligations beyond state law.~~
- (c) 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 and for other legitimate purposes discovered during the detention. HPD will ensure the policy complies with this reasonable standard.
- (d) Each council member shall receive a public quarterly 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.
- (3) Notwithstanding any reporting requirement in this section, no information that is confidential by law may be publicly released in any report.