

# General Order

## Houston Police Department



ISSUE DATE:

February 27, 2020

NO.

500-05

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-05, dated February 14, 2020

**SUBJECT: UNDOCUMENTED IMMIGRANTS**

### POLICY

The city of Houston has attracted many residents from countries outside the United States. A number of these residents are not citizens, are undocumented, and live in Houston without legal sanction. The Houston Police Department is committed to the principle that effective law enforcement depends upon good relationships between the department and the community it serves. As a law enforcement agency, the department must rely upon the cooperation of all persons, including citizens, documented immigrants, and undocumented immigrants in an effort to maintain public order and combat crime.

*Undocumented immigrant* status is not, in itself, a matter for local police action. Unlawful entry into the United States is not to be treated as an ongoing offense occurring in the presence of a local police officer.

This General Order applies to all classified employees.

### DEFINITIONS

**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.

***Undocumented Immigrant.*** An immigrant who entered the United States illegally without the proper authorization and documents, or who entered the United States legally and has since violated the terms of his visa or overstayed the time limit.

## 1 PROCEDURES

Officers shall adhere to the following procedures in the interest of public safety and homeland security:

- a. Officers shall not detain or arrest persons solely on the suspicion that they are in this country illegally.
- b. Officers shall not make inquiries as to the citizenship status of any person unless the person has been legally detained or placed under arrest. Citizenship and immigration status are part of the information that is routinely obtained during the filing of charges for all Class B misdemeanors and above using the District Attorney Intake Management System (DIMS).
- c. Officers may inquire about the nationality or immigration status of a crime victim or witness if it is necessary to investigate the crime or provide information about available federal visas designed to protect individuals providing assistance to law enforcement.

- d. Officers shall contact U.S. Immigration and Customs Enforcement (ICE) if a background check through NCIC/TCIC returns a possible hit from ICE regarding a wanted or detained person.

Officers shall adhere to the procedures in General Order 500-08, **Required Booking Information and Procedures**, when detaining or arresting any person.

## **2 PROHIBITED POSSESSION OF FIREARMS**

*Undocumented immigrants* are prohibited from possessing firearms and can be charged federally with a felony pursuant to Title 18, United States Code, section 922(g)(5). This felony is considered an aggravated felony under the Immigration and Nationality Act. The Harris County District Attorney's Office has agreed to refer these cases to the U.S. Attorney's Office for prosecution. Officers shall contact the Major Offenders Division if they encounter a possible undocumented immigrant in possession of a firearm to ensure that the incident is referred to the proper federal authority.

## **3 ICE RAIDS**

Houston police officers shall assist ICE agents on criminal matters of mutual concern, but only when requested and only in situations in which the involved Houston police officers will be clearly exercising their police powers under the laws of the State of Texas.

In keeping with this policy, officers are prohibited from participating in ICE raids for which the primary purpose is the arrest of persons for their undocumented status. Any request to participate in these types of investigations shall require the prior approval of an assistant chief.

When HPD is involved or assisting with ICE warrant operations at a private residence or business, a supervisor shall report to the scene. The supervisor shall remain on the scene to ensure the safety of officers and the public.

An assistant chief or an executive assistant chief shall be dispatched to ICE warrant operations at a City facility or City property to interact with ICE regarding the execution of any warrant. The City shall comply with valid warrants.



**Art Acevedo**  
**Chief of Police**