

	Houston Independent School District Police Department Directives	DIRECTIVE: 450-016
		EFFECTIVE DATE: January 7, 2021
	SUBJECT: Undocumented Immigrants	REVISED DATE: January 14, 2023

POLICY

Houston has attracted many residents from countries outside the United States. Many residents are not citizens, are undocumented, and live in Houston without legal sanction. Several of our students, parents, relatives, and friends are undocumented immigrants.

Undocumented immigrant status is not a matter of 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.

The Houston Independent School District 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, to maintain public order and combat crime. This directive 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 entered the United States legally and has since violated the terms of his visa or overstayed the time limit.

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 inquire about 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 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 aiding 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.

PROHIBITED POSSESSION OF FIREARMS

Undocumented immigrants are prohibited from possessing firearms and 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 a supervisor if they encounter a possible undocumented immigrant possessing a firearm to ensure the incident is referred to the proper federal authority.

ICE RAIDS

Houston Independent School District Police Officers shall assist ICE agents on criminal matters of mutual concern, but only when requested and only in situations where the involved officers will be 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 to arrest persons for their undocumented status. Any request to participate in these types of investigations shall require the prior approval of an assistant chief.

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

An Assistant Chief or the Chief of Police shall be dispatched to ICE warrant operations at a district facility or property to interact with ICE regarding executing any warrant. The department shall comply with valid criminal warrants.

Approved By


Pedro Lopez Jr., Chief of Police