



A CLOSER LOOK AT INTERIOR ENFORCEMENT PRACTICES: THE HOUSTON POLICE DEPARTMENT'S ENTANGLEMENT WITH ICE

JULY 2025

INTRODUCTION

The National Crime Information Center (NCIC) is a [computerized system of criminal and missing person information](#) that has been operated by the FBI since the late 1960s. NCIC is meant for rapid access by state and local police during the course of their routine police enforcement. Historically, civil violations, such as immigration violations, were not added to NCIC. However, over the years, Congress [authorized their entry](#). Over the weekend of February 23, 2025, the [federal government added over 700,000 ICE warrants](#) (sometimes also known as ICE administrative warrants) into the NCIC database.

It is important to note that an “ICE warrant¹” is not a real, warrant in that it is not reviewed by a judge or any neutral adjudicator to determine if it is based on probable cause. ICE warrants are not criminal warrants for criminal charges; they are civil administrative warrants for civil violations. Police do not have legal authority to arrest individuals based on an ICE warrant alone. ICE warrants are not the same as ICE detainers.²

HPD’s entanglement with ICE goes beyond what state law requires, and they must draw a distinction between civil and criminal warrants. ICE warrants have caused confusion and resulted in police unlawfully detaining or arresting individuals based on

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¹ An “ICE warrant” is a form issued by certain immigration officers that names an allegedly deportable non-citizen and directs various federal immigration enforcement agents to arrest that individual

² ICE detainers are requests from ICE to hold a person up to 48 hours after their scheduled release from criminal custody.

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these ICE warrants under the mistaken belief that they are criminal warrants or that local police had authority to arrest individuals solely for civil immigration violations.³ This has led to a number of states and local law enforcement agencies to pass policies like the [Washington State Police](#). In most cases involving criminal warrants, if there are outstanding criminal warrants on a person in the NCIC database, police may arrest them on that criminal basis alone. However, most police do not have legal authority to arrest on the basis of ICE warrants. Thus, prolonging traffic stops to hold someone in order to wait for ICE to execute the arrest can risk liability for an unlawful seizure under the Fourth Amendment of the U.S. Constitution.⁴

Local law enforcement and ICE entanglement hurt our communities and further drive the wedge of mistrust. We urge our representatives to hold HPD and other City agencies accountable for their entanglement with ICE. We urge HPD and the City of Houston to end existing agreements that dedicate our valuable city resources to ICE.

WHAT DOES SB 4 (2017) REQUIRE UNDER TEXAS LAW?

[SB 4 \(2017\)](#) requires local law enforcement to comply with valid ICE detainer requests⁵ and prohibits any Texas town, county or higher education institution—hereafter referred to as local entities—from limiting their assistance to ICE or U.S. Customs and Border Protection. SB 4 prohibits local entities from having policies against asking about immigration status or limiting assistance in immigration enforcement. While it is legal for Texas law enforcement to inquire about immigration status during the course of enforcing Texas criminal laws, it is not required. SB 4 does not give local police the authority to perform immigration enforcement duties. That authority generally requires an agreement with ICE under Section 287(g) of the Immigration and Nationality Act (INA) and is limited by the U.S. Constitution.

Currently, Harris County does not have a 287(g) agreement but that will change once

³ *Arizona v. United States*, 567 U.S. (2012), (the Supreme Court held local law enforcement agencies do not have legal authority to arrest or detain people based solely on civil immigration violations).

⁴ *Rodriguez v. United States*, 575 U.S. 378 (2015) (the Supreme Court held prolonging traffic stops beyond addressing traffic infractions without reasonable suspicion of a new offense is an illegal seizure).

⁵ ICE detainers are requests from ICE to hold a person up to 48 hours after their scheduled release from criminal custody.

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[SB 8](#) goes into effect. SB 8 goes into effect on January 1, 2026 and requires the sheriff of each county that operates a jail or contracts with a private vendor to operate a jail to request and enter into a 287 (g) agreement. However, it is important to note that SB 8 only applies to the sheriff and does not apply to the Houston Police Department (HPD).

THE HOUSTON POLICE DEPARTMENT'S ENTANGLEMENT WITH ICE EXCEEDS SB 4 (2017).

NCIC is a system that has been used by all law enforcement agencies around the country, the Houston Police Department (HPD) is no exception. However, HPD's NCIC policy exceeds what SB 4 (2017) prescribes; critical advocacy could help reduce HPD's role. At least since 2020, if the HPD officer comes across an ICE hit (or ICE warrant) in the database, the officer [shall call ICE](#) LESC.⁶ According to the February 26, 2025 email from Chief Thomas Hardin to HPD command staff, if ICE LESC offers a "reasonable amount of time" for HPD to wait for them to meet the officer at the scene, then waiting is considered acceptable.⁷ If ICE does not offer to meet the officer at the scene, the officer will select the option that does not involve transporting the noncitizen, such as collecting enough information to facilitate an arrest later on.

As detailed above, SB 4 (2017) only requires that local law enforcement comply with valid ICE detainer requests and prohibits local entities from having policies limiting assistance in immigration enforcement but does not require them. The current HPD policy requires HPD to call ICE LESC as soon as they see an ICE hit (or ICE warrant), regardless of the situation. This has led to HPD calling ICE after conducting traffic stops⁸, on a [domestic violence survivor](#) trying to report her abuse and a [mother and child](#) stranded at Hobby Airport, to name a few examples.

⁶ Per General Order 500-08, if the person is arrested and booked into jail on other charges, LESC will send the ICE warrant or detainer to the jail. However, if the person is detained and has no other charges, HPD is instructed to follow LESC's instructions such as have LESC come out to the scene

⁷ ILRC obtained a copy of the email via Texas Public Information Act request.

⁸ HPD Immigration Inquiry reports obtained via Texas Public Information Act requests reflect a majority of instances in which HPD called ICE stemmed from traffic stops.



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HPD'S POLICY BETRAYS HOUSTONIANS

HPD's entanglement with ICE is a violation and betrayal of community trust. Despite Mayor Whitmire denying HPD's entanglement with ICE, HPD has been going above and beyond what state law requires for years. The addition of 700,000 ICE warrants in the NCIC system has highlighted the deep level of entanglement between ICE and HPD that goes against what local law enforcement has told our communities for years. According to the 2025 Kinder Institute's Houston area survey, [72% of respondents](#) disagreed that Houston would be better off if all noncitizens were deported. A majority of Houstonians do not want to see their neighbors uprooted from their communities because it is the culture and diversity that makes our city stronger. In fact, [1 in 4 residents](#) cited diversity as the best thing about Houston. Therefore, in the spirit of what Houston stands for, we urge our representatives to hold HPD and other City agencies accountable for their entanglement with ICE. We urge HPD and the City of Houston to end existing agreements that dedicate our valuable city resources to ICE.

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