EXECUTIVE ORDER

AN EXECUTIVE ORDER DIRECTING THE HOUSTON POLICE DEPARTMENT TO ISSUE AN UPDATED CIRCULAR GOVERNING CONTACT WITH U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

EO No.	EO 1-74
Effective Date:	November 6, 2026

1. PREFACE

The purpose of this Executive Order is to affirm the City of Houston's compelling interest in the consistent, predictable, and lawful treatment of persons in the custody of the Houston Police Department (Department), and the efficient use of Department resources, as it relates to individuals with an Immigration and Customs Enforcement (ICE) administrative warrant.

2. OBJECTIVE

The City is committed to conducting all law enforcement activity in full compliance with the United States Constitution and the Texas Constitution, including the protections of the Fourth Amendment against unreasonable searches and seizures and the Fourteenth Amendment's guarantees of due process and equal protection.

The City's law enforcement resources are finite, and the most effective use of those resources is the protection of public safety through local policing — responding to emergencies, investigating and deterring violent and serious crime, and maintaining the trust and cooperation of all residents the Department serves.

It is the intent of this Order to direct the lawful and efficient allocation of the City's own law enforcement resources toward local public safety priorities, and not to prohibit, materially limit, or discourage any officer from exercising the discretion and authority that state and federal law reserve to that officer.

3. DEFINITIONS

For purposes of this Order and the Circular:

"Contact with ICE" means any affirmative communication by Department personnel to ICE notifying ICE of, or inquiring with ICE about, a particular person in the Department's custody, including notification of the person's identity, custody status, or anticipated release.

"Going to jail" means that the person is being booked into and detained at a City or County jail facility following arrest, as distinct from being cited and released or otherwise released from Department custody.

"ICE" means U.S. Immigration and Customs Enforcement.

"New charges" means one or more criminal offenses for which the person has been arrested and is being booked into jail.

"Other warrants" means an outstanding criminal arrest warrant, capias, or similar judicial process, other

than the new charges, on which the person is being held and booked into jail.

"Jailable offense" means a criminal offense for which the person is lawfully subject to detention in jail upon arrest, rather than an offense for which release on citation is required or customary.

4. GENERAL PROVISIONS

Department personnel shall contact ICE regarding a person **only if** that person is already going to jail on new charges or other warrants and has a positive National Crime Information Center (NCIC) hit for an ICE administrative warrant. The fact that a person is, or is suspected to be, subject to immigration enforcement shall not, by itself, be a basis to contact ICE, to prolong any detention, or to take any person into or hold any person in custody. If a person is not otherwise going to jail on new charges or other warrants, Department personnel shall not contact ICE regarding that person.

Within the population of persons who satisfy the threshold stated in this section, Department personnel shall contact ICE when the person is going to jail on a jailable offense. Contact under this section shall be made in accordance with the procedures, timing, and documentation requirements established by Department policies.

Contacting ICE regarding individuals with a jailable offense will ensure that ICE is notified of criminal offenders in the City of Houston, including those who are violent offenders.

The Chief of Police shall issue the updated Circular implementing this Order immediately after the effective date of this Order. The Circular shall:

(a) Ensure the scope, objective, and standards established in this Executive Order are clear and readily applied by officers and booking personnel;

(b) Establish the method, timing, and documentation of any permitted contact with ICE; and

(c) Ensure that individuals are not held in the field solely for ICE pickup.

5. CONFLICT AND SUPERSEDING AUTHORITY

This Order is limited to Department contact with ICE regarding persons in the Department's custody as described herein. It does not address, modify, or supersede any other Department policy except to the extent of a direct conflict with this Order. To the extent any prior executive order, circular, directive, or general order conflicts with this Order, this Order supersedes and controls as to the subject matter addressed herein.