CITY OF HOUSTON

Houston Police Department

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February 1, 2017

Art Acevedo
Chief of Police

The Honorable Joan Huffman, Chair, The Honorable Bryan Hughes, Vice-Chair, and Honorable Committee Members of the Senate Committee on State Affairs:

Thank you for allowing me the opportunity to provide this written testimony to this esteemed legislative body. I regret not being able to appear in person, but as you know, Super Bowl LI will be held in the City of Houston in three days, which requires the mobilization of all Houston Police Department personnel. This topic is very important to me, but it is all hands on deck this week and I would be remiss in my job as leader if I left my post in Houston during these events. Once the Super Bowl is over, I look forward to visiting with members of this committee on this topic and other issues of interest to law enforcement.

The Houston Police Department (HPD) appreciates the opportunity to provide our law enforcement perspective with regard to Senate Bill 4 which in general terms calls upon local law enforcement agencies to become more involved in the enforcement of federal immigration laws.

Illegal immigration is an issue being extensively debated at the national and local level. Opinions on how to address this complex issue differ greatly and emotions run high, with extremes existing on either side of the debate. Illegal immigration is an issue that affects our nation as a whole and any solution should begin first at the federal level with securing the borders and increasing enforcement by federal agencies.

The City of Houston is the fourth largest city in our nation and is the most diverse, comprised of citizens, non-citizens, legal residents, visitors and undocumented immigrants. Local enforcement of immigration laws raises complex legal, logistical and resource issues for local communities and their police agencies, which must protect and serve all members of our community.

The Houston Police Department works tirelessly to make our community safer by arresting those that commit criminal actions that threaten our community. We specifically target those individuals committing violent crimes, regardless of their immigration status. The Houston

Police Department will arrest anyone that threatens the safety of our community regardless of their immigration status.

The Houston Police Department works cooperatively with our federal partners, including the Immigration and Customs Enforcement, to disrupt violent street gangs that threaten our communities. We work in conjunction with all federal agencies to arrest those that are involved in human trafficking. If federal agencies file criminal charges on any person, HPD will arrest the subject regardless of immigration status. What I do not want my officers doing is inquiring about the immigration status of every person they come in contact with, or worse, only inquiring about the immigration status of persons based on their appearance for reasons discussed below. Senate Bill 4 will lead to just this kind of result, which will not be productive.

The demands on law enforcement by SB 4 will tax the already limited resources of law enforcement. The law provides no new funding for the additional burdens associated with increased investigation, record keeping, documentation and detention of persons based on their immigration status. The Houston Police Department on average annually responds to 1.2 million calls for services, makes 400,000 traffic stops and actively investigates 150,000 crimes. Applying the additional procedural requirements noted above is likely to require a substantial amount of additional resources to specifically deal with immigration issues and make the department less effective by deviating from our primary mission.

The states waiver of governmental immunity for counties and municipalities is very alarming. The committee substitute for Senate Bill 4 waives immunities for counties and cities if they release a person under certain conditions. This waiver of immunity will cause potential liability even for inadvertent or negligent actions if the person is the subject of a federal detainer.

Police agencies face increased workloads and demands and shrinking budgets. Instead of providing funding to allow local agencies to comply with the new demands of this law, it threatens to take away existing state funding. The Houston Police Department currently receives approximately three million dollars in state funding through grants. Like many police agencies, existing state funding is used to meet existing crime fighting demands of preventing and solving violent crime and property crime. These funds are needed to put more officers on the streets of Houston, protect our neighborhoods, investigate and prevent murders, rapes, assaults, robberies, burglaries, and provide for homeland security efforts. It seems clear that there is a call by some for local police to become more involved in enforcing federal immigration laws. To comply with these requirements means stretching already limited resources. Taking away existing funding from law enforcement would do nothing to make our local communities safer.

Local law enforcement agencies such as the Houston Police Department have worked very hard to build trust and a spirit of cooperation with immigrant groups through community based policing and outreach programs. Under the current climate of distrust of law enforcement, the Houston police Department is working extremely hard to build and maintain trust, communication and stronger relationships with minority communities. Broad mandates for local law enforcement to take a more active role in immigration enforcement will further strain the relationship between local law enforcement and the diverse communities they serve. This will

lead to less cooperation from members of the community and foster the belief that they cannot seek assistance from police for fear of being subjected to an immigration status investigation.

We have a clear need to foster trust and cooperation with everyone in our communities including immigrants regardless of their immigration status. Assistance and cooperation from immigrant communities is especially important when an immigrant, whether documented or undocumented, is the victim of or witness to a crime. All victims, regardless of immigration status, must be encouraged to file reports and come forward with information. Their cooperation is needed to prevent and solve crimes and maintain public order, safety, and security in the whole community.

Ultimately, the proposed bill would negatively effect and undermine the level of trust and cooperation between local police and immigrant communities. An undocumented immigrant will not come forward and provide needed assistance and cooperation if he or she is concerned that they will be deported or subject to an immigration status investigation. Distrust and fear of contacting or assisting the police may develop among legal immigrants as well. Undoubtedly even legal immigrants would avoid contact with the police for fear that they themselves or undocumented family members or friends may become subject to immigration enforcement. Such a divide between the local police and immigrant groups would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing crime.

Finally, law enforcement must be able to direct the efforts of its officers to meet the needs of the community it serves. Senate Bill 4 prohibits policies that would allow law enforcement professionals from determining the best use of its limited manpower. This bill would take away the ability of police chiefs to prioritize their enforcement efforts, which impedes their ability to make the community safer.

At a time of strained law enforcement budgets, critically low jail and prison bed space, a focus on violent criminals, human traffickers, gun traffickers, sex traffickers and members of organized crime syndicates is critical. Requiring local law enforcement to prioritize immigration efforts, without adequate funding or increased support from involved governmental agencies, will eventually erode trust and ultimately lead to increased insecurity and diminished public safety.

Sincerely,

Art Acevedo
Chief of Police