JAG Local: Eligible Allocation Amounts $25,000 or More 2020-H8133-TX-DJ

Help/Frequently Asked Questions

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Submit Application

Your application for the JAG Local: Eligible Allocation Amounts $25,000 or More has been successfully submitted. You will no longer be able to edit any information submitted. However, you can log in any time to view the application information.

You will be contacted by the Program Office when your application is processed or any other action is required by you.

JAG Local: Eligible Allocation Amounts $25,000 or More 2020-H8133-TX-DJ

Application Correspondence Application: Switch to ...

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Overview

This handbook allows you to complete the application process for applying to the JAG Local: Eligible Allocation Amounts $25,000 or More. At the end of the application process you will have the opportunity to view and print the SF-424 form.

*Type of Submission	Application Non-Construction
*Type of Application	New If Revision,select appropriate option If Other, specify
*Is application subject to review by state executive order 12372 process?	N/A Program has not been selected by state for review

Continue

JAG Local: Eligible Allocation Amounts $25,000 or More 2020-H8133-TX-DJ

Applicant Information

*Is the applicant delinquent on any federal debt	No
*Employer Identification Number (EIN)	74-6001164
*Type of Applicant	Township
Type of Applicant (other):	
*Organizational Unit	Houston Police Department
*Legal Name (Legal Jurisdiction Name)	City of Houston
*Vendor Address 1	1200 Travis
Vendor Address 2	
*Vendor City	Houston
Vendor County/Parish	
*Vendor State	Texas
*Vendor ZIP	77002-6001
Point of Contact Information for matters involving this application	
Contact Prefix:	Mrs.
Contact Prefix (Other):	
Contact First Name:	ALICIA
Contact Middle Initial:	
Cotnact Last Name:	PETTAWAY
Contact Suffix:	
Contact Suffix (Other):	
Contact Title:	Administrative Specialist
Contact Address Line 1:	1200 Travis,
Contact Address Line 2:	
Contact City:	Houston
Contact State:	Texas

Contact Zip Code:	77002-6001
Contact Phone Number:	(713) 308-1739
Contact Fax Number:	
Contact E-mail Address:	alicia.pettaway@houstonpolice.org

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Project Information

Descriptive Title of Applicant's Project		
FY20 Edward Byrne Memorial Justice Assistance Grant (JAG) Program		
Areas Affected by Project		
Houston and Harris County		
Proposed Project		
	*Start Date	October/ 01/ 2019
	*End Date	September/ 30/ 2023
*Congressional Districts of		
	Project	Congressional District 18, TX
*Estimated Funding		
Federal		$2229207.00
Applicant		$0.00
State		$0.00
Local		$0.00
Other		$0.00
Program Income		$0.00
TOTAL		$2229207.00

Continue

JAG Local: Eligible Allocation Amounts $25,000 or More 2020-H8133-TX-DJ

Financial Management and System of Internal Controls Questionnaire

Form Submitted On: Tue May 26 15:17:26 EDT 2020

#	Question	Provided Response
1.	Name of Organization and Address: Organization Name:	Houston Police Department
	Street1:	1200 Travis Street
	Street2:	-
	City:	Houston
	State:	TEXAS
	Zip Code:	77002
2.	Authorized Representative's Name and Title: Prefix:	-
	First Name:	Art
	Middle Name:	-
	Last Name:	Acevedo
	Suffix:	-
	Title:	Chief of Police
3.	Phone:	713-308-1600
4.	Fax:	7133081602
5.	Email:	grants.COP@houstonpolice.org
6.	Year Established:	1836
7.	Employer Identification Number (EIN):	746001164
8.	DUNS Number:	1365698080000
9. a)	Is the applicant entity a nonprofit organization (including a nonprofit institution of higher education) as described in 26 of U.S.C. 501(c)(3) and exempt from taxation under 26 U.S.C. 501(a)?	No
9. b)	Does the applicant nonprofit organization maintain offshore accounts for the purpose of avoiding paying the tax described in 26 U.S.C. 511(a)?	-
9. c)	With respect to the most recent year in which the applicant nonprofit organiation was required to file a tax return, does the applicant nonprofit organization believe (or assert) that it satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to the reasonableness of compensation of certain individuals)?	-
10.		Yes

	Has the applicant entity undergone any of the following types of audit(s)(Please check all that apply): [OMB A-133 Single Audit]	
	Has the applicant entity undergone any of the following types of audit(s)(Please check all that apply): [Financial Statement Audit]	Yes
	Has the applicant entity undergone any of the following types of audit(s)(Please check all that apply): [Defense Contract Agency Audit (DCAA)]	-
	Has the applicant entity undergone any of the following types of audit(s)(Please check all that apply): [Other Audit]	-
	Other Audit Agency (list type of audit)	-
	Has the applicant entity undergone any of the following types of audit(s)(Please check all that apply): [None]	-
11.	Most Recent Audit Report Issued:	Within the last 12 months
	Name of Audit Agency/Firm:	McConnell and Jones LLP
12.	On the most recent audit, what was the auditor's opinion?	Qualified Opinion
	Enter the number of findings (if none, enter "0"):	0
	Enter the dollar amount of questioned costs (if none, enter "$0"):	$0.00
	Were material weaknesses noted in the report or opinion?	No
13.	Which of the following best describes the applicant entity's accounting system:	Combination
14.	Does the applicant entity's accounting system have the capability to identify the receipt and expenditure of award funds separately seperately for each Federal award?	Yes
15.	Does the applicant entity's accounting system have the capability to record expenditures for each Federal award by the budget cost categories shown in the approved budget?	Yes
16.	Does the applicant entity's accounting system have the capability to record cost sharing ("match") seperately for each Federal award, and maintain documentation to support recorded match or cost share?	Yes
17.	Does the applicant entity's accounting system have the capability to accurately track employee actual time spent performing work for each federal award, and to accurately allocate charges for employee salaries and wages for each federal award, and maintain records to support the actual time spent and specific allocation of charges associated with each applicant employee?	Yes

18.	Does the applicant entity's accounting system include budgetary controls to preclude the applicant entity from incurring obligations or costs that exceed the amount of funds available under a federal award (the total amount of the award, as well as the amount available in each budget cost category)?	Yes
19.	Is applicant entity familiar with the "cost principles" that apply to recent and future federal awards, including the general and specific principles set out in 2 C.F.R. Part 200?	Yes
20.	Does the applicant entity's property management system(s) maintain the following information on property purchased with federal award funds (1) a description of the property; (2) an identification number; (3) the source of funding for the property, including the award number; (4) where holds title; (5) acquisition date; (6) acquisition cost; (7) federal share of the acquisition cost; (8) location and condition of the property; (9) ultimate disposition information?	Yes
21.	Does the applicant entity maintain written policies and procedures for procurement transaction that - (1) are designed to avoid unnecessary or duplicative purchases; (2) provide for analysis of lease versus purchase alternatives; (3) set out a process for soliciting goods and services, and (4) include standards of conduct that address conflicts of interest?	Yes
22. a)	Are the applicant entity's procurement policies and procedures designed to ensure that procurements are conducted in a manner that provides full and open competition to the extent practicable, and to avoid practices that restrict competition?	Yes
22. b)	Does the applicant entity's procurement policies and procedures require documentation of the history of a procurement, including the rationale for the method of procurement, selection of contract type, selection or rejection of contractors, and basis for the contract price?	Yes
23.	Does the applicant entity have written policies and procedures designed to prevent the applicant entity from entering into a procurement contract under a federal award with any entity or individual that is suspended or debarred from such contracts, including provisions for checking the "Excluded Parties List" system (www.sam.gov) for suspended or debarred sub-grantees and contractors, prior to award?	Yes
24. (a)	Does the applicant entity maintain a standard travel policy?	Yes
		Yes

24. (b)	Does the applicant entity adhere to the Federal Travel Regulation (FTR)?	
25.	Does the applicant entity have written policies, procedures, and/or guidance designed to ensure that any subawards made by the applicant entity under a federal award - (1) clearly document applicable federal requirements, (2) are appropriately monitored by the applicant, and (3) comply with the requirements in 2 CFR Part 200 (see 2 CFR 200.331)?	Yes
26.	Is the applicant entity aware of the differences between subawards under federal awards and procurement contracts under federal awards, including the different roles and responsibilities associated with each?	Yes
27.	Does the applicant entity have written policies and procedures designed to prevent the applicant entity from making a subaward under a federal award to any entity or individual that is suspended or debarred from such subawards?	Yes
28.	Is the applicant entity designated ?high risk? by a federal grant-making agency outside of DOJ? (High risk includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant.)	No
(a)	Name(s) of the federal awarding agency:	-
(b)	Date(s) the agency notified the applicant entity of the "high risk" designation:	-
(c)	Contact information for the "high risk" point of contact at the federal agency:	-
	Phone:	-
	Email:	-
(d)	Reason for "high risk" status, as set out by the federal agency:	-
Cert.	Name:	Rhonda Smith
	Date:	05-26-2020
	Title:	-
	Other:	-
	Phone:	713-308-1708

Close this window

Project Identifiers

HPD:

1. Hiring of Personnel
2. Overtime

Harris County Sheriff's Office:

1. Equipment – General
2. Equipment – Video / Audio
3. Computer Software/Hardware
4. Conferences and Training
5. Overtime
6. Hiring of Personnel
7. Vehicles - Police Boats
8. Body Armor – Tactical
9. Body Worn Cameras

Houston Police Department
Program Narrative

Houston Police Department and Harris County Sheriff's Office are pleased to submit this joint application for funding through the FY 2020 Edward Byrne Memorial Justice Assistance Grant Program.

Proposed Allocation

The governing bodies of the City of Houston and Harris County Sheriff's Office have agreed to the following allocation of FY 2020 JAG funds:

- Houston Police Department: $1,114,604
- Harris County Sheriff's Office: $1,114,603

Houston Police Department is serving as the lead applicant and fiscal agent for this grant.

Program Areas

Houston Police Department proposes to spend its share of FY 2020 JAG funds on law enforcement civilian support personnel and targeted law enforcement overtime. Harris County Sheriff's Office proposes to use its JAG funding to purchase equipment, technology upgrade and training. A detailed description of the proposed projects is included below.

Houston Police Department's Proposed Project #1: Law Enforcement Civilian Support Personnel

Summary:

The Houston Police Department proposes to use $799,548

for salaries and fringe benefits associated with seven positions proposed to be funded under this project include:

- Six (6) positions within Information Services
- Two (2) positions within Budget and Finance (Financial Services)

Need:

These eight positions perform critical functions within the Houston Police Department. The six JAG funded civilians in Information Services provide essential support in implementing and supporting computer systems deployed across the department. Their role is critical to the development and maintenance of technology that supports all law enforcement personnel. Due to the high level of security and maintenance for law enforcement systems, technology specialists are needed to monitor and maintain servers, desktops, and LAN based applications. These positions help to ensure that the security profile of all systems being converged meet the minimum specifications of the Federal Criminal Justice Information Systems (CJIS) requirements.

The JAG funded FA III in the Budget and Finance Division continues to provide oversight of financial and programmatic activities for the police department. These tasks

will benefit the entire police department and provide the needed oversight for the federal and state grants administered by the Houston Police Department.

The JAG funded FA IV part time position in the Budget and Finance Division will develop, monitor, analyze and update various financial/management reports for HPD; coordinate and conduct special projects; investigate and make recommendations to management for addressing issues of medium to high complexity and/or sensitivity; participate in the development and improvement of procedures; participate in the evaluation and design of workflow, processes various operations systems; and handles highly confidential information.

These tasks are highly needed in the Houston Police Department to continue to improve the Office of Budget and Finance.

Detailed Project Description:
Salaries and fringe benefits (include pension, FICA, workers compensation, long-term disability, unemployment, health, and life insurance) for these seven positions will ensure their funding through the end of this grant program.

Coordination:
Positions funded under previous JAG awards will be continued under this JAG award.

Houston Police Department's Proposed Project #2: Targeted Law Enforcement Overtime

Summary:
The Houston Police Department proposes to use $315,056 for targeted law enforcement overtime for patrol and other high demand areas as required.

Need:
Overtime programs continue to play a critical role allowing the department to address hot spots without compromising the regular patrol programs. One of the initiatives the department utilizes the JAG grant funding for is to address the seasonal spike of crimes during holiday seasons. Statically, the department has seen an increase in felony and misdemeanor arrest in vulnerable shopping areas. The department proposes to continue funding for the kinds of overtime programs that it has historically funded with Local Law Enforcement Block Grant (LLEBG) and JAG. The specific needs that will be addressed by this overtime include:

- General patrol overtime, which will address high crime areas where police presence and visibility make a difference on criminal activity.

Detailed Project Description:
The proposed funding for law enforcement overtime has been tentatively allocated as follows:

- Directed Patrol and High Demand Overtime: $315,056

Coordination:
Each of the proposed overtime programs will be coordinated with related federal grant programs in program areas in which funding has previously been awarded to ensure that no duplication occurs:

PROGRAM NARRATIVE

Program Areas

Harris County's Proposed Projects: Personnel and Fringe Benefits

Summary: The Harris County Sheriff's Office (HCSO) intends to invest $93,915.00 of JAG funding to cover salaries and overtime costs for specialized units and programs within the department.

Need: HCSO is often called to incidents that require response from specialized teams. Oftentimes, these calls extend beyond the regular work hours that deputies are assigned. The number of hours worked on these cases far exceeds the amount of funding available for these cases. Additionally, due to budget constraints, funding does not allow for the expansion of programs offered within the jail. Expansion of reentry programs is necessary in order to ensure that services are available for all incarcerated individuals.

Detailed Project Descriptions:

1. **Brothers in Arms Program - $68,915.00**
   This project will provide funding to cover salary and benefit costs for one Peer Navigator within the Brothers in Arms program. This program provides resources to veterans housed within the HCSO jail. This program is designed to help prepare inmates to integrate back into the community after incarceration.

2. **Overtime for K9 Unit - $25,000.00**
   This project will provide funding to cover overtime for deputies within the Canine Unit that are called out to respond to cases outside of their scheduled work hours.

Harris County's Proposed Projects: Equipment and Supplies

Summary: The HCSO intends to invest $970,688.00 of JAG funding to provide new and/or upgraded equipment across Harris County Law Enforcement agencies.

Need: Harris County Law Enforcement agencies rely heavily upon county-wide information technology needs as well as our independent agency needs. The following projects will provide information on several needs that are independent to specific agencies and also cross county agency boundaries which allow us to work together and better serve all citizens of Harris County.

Detailed Project Descriptions:

1. **Constables Equipment Replacement - $278,650.00**
   This project will provide funding to replace, upgrade and improve critical IT equipment for all eight (8) Harris County Constables Offices. Much of the IT equipment in place has or will soon reach "end of life" status and is in need of immediate replacement. This equipment will increase overall safety and operational efficiency for our deputies. The

equipment purchased will be Panasonic Tough Book laptop computers, body worn cameras, and portable AFIS devices. Funds will also be used to purchase two patrol boats and trailers along with life vests and waders to be used to rescue stranded or trapped residents during natural disasters.

2. **Emergency Dispatch Center Upgrades - $170,575.00**
   This project will provide funding towards the purchase of audiovisual equipment for the Harris County 911 Emergency Dispatch Center. Total project includes equipment, shipping, and installation costs.

3. **Mobile Command Post Upgrades - $37,425.00**
   This project will provide funding to replace crucial network equipment that provides high speed wireless connectivity to various public safety agencies in the Southeast Texas region when deployed for emergency incidents and special security events. Total project includes equipment, shipping and installation costs.

4. **Traffic Surveying Equipment - $247,500.00**
   This project will provide funding to purchase traffic surveying equipment for the Vehicular Crimes Division. This equipment will be used to produce scale diagrams that can be used for reconstruction of accidents. Total project includes equipment, software, and shipping costs.

5. **Detentions Tactical Gear - $59,055.00**
   This project will provide funding towards the replacement of worn tactical gear utilized by the Detention Command Containment Team in the Harris County Jail. Total project includes equipment and shipping costs.

6. **IT Technology Enhancements Replacement - $177,483.00**
   This project will provide additional equipment to accommodate HCSO's existing and future expansion needs. This equipment will include but not be limited to audiovisual, computers, laptops, scanners, printers, etc., and all other types of necessary peripherals associated with IT equipment. It will also allow for hardware and software upgrades allowing us to further utilize existing equipment. Total includes equipment and shipping costs.

Harris County's Proposed Projects: Contracts

Summary: The HCSO intends to invest $50,000.00 of JAG funding to contract with training vendors to travel to the HCSO Academy located in Humble Texas, to provide classes which would not otherwise be available.

Need: The HCSO has had great success in the past investing in training through our academy. We again wish to use funding, allowing our academy to provide specialized training to ensure our officers and officers from surrounding agencies are as prepared as possible to serve the community safely and efficiently.

1. **Harris County Sheriff's Academy Training - $50,000.00**

Detailed Project Description: During the grant period, the HCSO intends to continue the current course offerings available to all of our personnel and to personnel from other agencies. The Sheriff's Academy is funded yearly through Commissioners Court for all basic and required training courses. Through JAG funding the Academy will also be able to provide specialized training that is not currently available.

Houston Police Department
Budget Narrative

A. Personnel - List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position	Computations	Cost
Financial Analyst III	$2,642.22 x 26.1 pay periods @ 100%	$68,962.00
Financial Analyst IV	$2,338.58 x 26.1 pay periods @ 100%	$61,037.00
Programmer Analyst II	$2,379.27 x 26.1 pay periods @ 100%	$62,099.00
Programmer Analyst II	$2,343.52 x 26.1 pay periods @ 100%	$61,166.00
Programmer Analyst II	$2,343.52 x 26.1 pay periods @ 100%	$61,166.00
Programmer Analyst III	$2,800.34 x 26.1 pay periods @ 100%	$73,089.00
Programmer Analyst III	$2,798.35 x 26.1 pay periods @ 100%	$73,037.00
Systems Support Analyst IV	$3,162.72 x 26.1 pay periods @ 100%	$82,547.00
Classified Overtime	5485.95 hours x $57.44/hour	$315,056.00
	SUB TOTAL	**$858,159.00**

B. Fringe Benefits - Fringe benefits should be based on an actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.

Name/Position	Computations	Cost
Financial Analyst III	$1,180.57 x 26.1 pay periods @ 100%	$30,813.00
Financial Analyst IV	$178.88 x 26.1 pay periods @ 100%	$4,669.00
Programmer Analyst II	$1,866.78 x 26.1 pay periods @ 100%	$48,723.00
Programmer Analyst II	$1,070.30 x 26.1 pay periods @ 100%	$27,935.00
Programmer Analyst II	$1,070.30 x 26.1 pay periods @ 100%	$27,935.00
Programmer Analyst III	$2,038.31 x 26.1 pay periods @ 100%	$53,200.00
Programmer Analyst III	$1,238.23 x 26.1 pay periods @ 100%	$32,318.00
Systems Support Analyst IV	$1,182.06 x 26.1 pay periods @ 100%	$30,852.00
	SUB TOTAL	**$256,445.00**

Total Personnel & Fringe	**$1,114,604.00**

C. Travel - Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g. six people to 3-day

training at $X airfare, $X lodging, $X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied Applicant or Federal Travel Regulations.

Purpose of Travel	Location	Item	Computation	Cost
Not requesting				

TOTAL	$0.00

D. Equipment - List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years and an acquisition cost of $5,000 or more per unit. (Note: Organization's own capitalization policy may be used for items costing less than $5,000.) Expendable items should be included either in the "Supplies" category or in the "Other" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item	Computation	Cost
Not requesting		

TOTAL	$0.00

E. Supplies - List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less than $5,000, such as books, hand held tape recorders) and show the basis for computation. (Note: Organization's own capitalization policy may be used for items costing less than $5,000). Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Items	Computation	Cost
Not requesting		
	TOTAL	$0.00

F. Construction - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Check with the program office before budgeting funds in this category.

Purpose	Description of Work	Cost

Not requesting		
	TOTAL	**$0.00**

G. Consultants/Contracts - Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day) and estimated time on the project. Consultant fees in excess of $450 per day require additional justification and prior approval from OJP.

Name of Consultant	Service Provided	Computation	Cost
Not requesting			
		SUBTOTAL	**$0.00**

Consultant Expenses: List all expenses to be paid from the grant to the individual consultants in addition to their fees (i.e., travel, meals, lodging, etc.)

Item	Location	Computation	Cost
Not requesting			
		SUBTOTAL	**$0.00**

Contracts: Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in award contracts. A separate justification must be provided for sole source contracts in excess of $100,000.

Item	Cost
Not requesting	
SUBTOTAL	**$0.00**

TOTAL	**$0.00**

Budget Summary

Budget Category	Amount
A. Personnel	$858,159.00
B. Fringe	$256,445.00
C. Travel	$0.00
D. Equipment	$0.00
E. Supplies	$0.00
F. Construction	$0.00
G. Consultants/Contracts	$0.00
H. Other	$0.00
Total Direct Costs	$1,114,604.00
I. Indirect Costs	$0.00
TOTAL PROJECT COSTS	$1,114,604.00

Federal Request	$1,114,604.00
Non-Federal Request	$0.00

BUDGET NARRATIVE

1. **Brothers in Arms Program - $68,915.00**
   This project will provide funding to cover salary and benefit costs for one Peer Navigator within the Brothers in Arms program. This program provides resources to veterans housed within the HCSO jail. This program is designed to help prepare inmates to integrate back into the community after incarceration.

Projected time line for funds usage		
Year-1	Year-2	Year-3
$34,457.00	$34,458.00	$0.00

2. **Overtime for K9 Unit - $25,000.00**
   This project will provide funding to cover overtime for deputies within the Canine Unit that are called out to respond to cases outside of their scheduled work hours.

Projected time line for funds usage		
Year-1	Year-2	Year-3
$25,000.00	$0.00	$0.00

3. **Constables Equipment Replacement - $278,650.00**
   This project will provide funding to replace, upgrade and improve critical IT equipment for all eight (8) Harris County Constables Offices. Much of the IT equipment in place has or will soon reach "end of life" status and is in need of immediate replacement. This equipment will increase overall safety and operational efficiency for our deputies. The equipment purchased will be Panasonic Tough Book laptop computers, body worn cameras, and portable AFIS devices. Funds will also be used to purchase two patrol boats and trailers along with life vests and waders to be used to rescue stranded or trapped residents during natural disasters

Projected time line for funds usage		
Year-1	Year-2	Year-3
$278,650.00	$0.00	$0.00

4. **Emergency Dispatch Center Upgrades - $170,575.00**
   This project will provide funding towards the purchase of audiovisual equipment for the Harris County 911 Emergency Dispatch Center.

Projected time line for funds usage		
Year-1	Year-2	Year-3
$170,575.00	$0.00	$0.00

5. **Mobile Command Post Upgrades - $37,425.00**
   This project will provide funding to replace crucial network equipment that provides high speed wireless connectivity to various public safety agencies in the Southeast Texas region when deployed for emergency incidents and special security events.

Projected time line for funds usage		
Year-1	Year-2	Year-3
$37,425.00	$0.00	$0.00

6. **Traffic Surveying Equipment - $247,500.00**
   This project will provide funding to purchase traffic surveying equipment for the Vehicular Crimes Division. This equipment will be used to produce scale diagrams that can be used for reconstruction of accidents.

Projected time line for funds usage		
Year-1	Year-2	Year-3
$247,500.00	$0.00	$0.00

7. **Detentions Tactical Gear - $59,055.00**
   This project will provide funding towards the replacement of worn tactical gear utilized by the Detention Command Containment Team in the Harris County Jail.

Projected time line for funds usage		
Year-1	Year-2	Year-3
$59,055.00	$0.00	$0.00

8. **IT Technology Enhancements Replacement - $177,483.00**
   This project will provide additional equipment to accommodate HCSO's existing and future expansion needs. This equipment will include but not be limited to audiovisual, computers, laptops, scanners, printers, etc., and all other types of necessary peripherals associated with IT equipment. It will also allow for hardware and software upgrades allowing us to further utilize existing equipment.

Projected time line for funds usage		
Year-1	Year-2	Year-3
$50,000.00	$50,000.00	$77,483.00

9. **Harris County Sheriff's Academy Training– $50,000.00**
   This project will provide funding to contract with training vendors to travel to the HCSO Academy located in Humble, Texas, to provide specialized training classes to personnel, which would not otherwise be funded.

Projected time line for funds usage		
Year-1	Year-2	Year-3
$0.00	$25,000.00	$25,000.00

Houston Police Department FY20 JAG
Applicant Disclosure of Pending Applications

The City of Houston does not have any pending applications submitted within the last 12 months for federally funded grants or sub grants (including cooperative agreements) that include request for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.

HARRIS COUNTY
HCSO
SHERIFF'S OFFICE

SHERIFF ED GONZALEZ

1200 Baker Street, Houston, Texas 77002 ★ (346) 286-1600 ★ www.sheriff.hctx.net

Tuesday, July 28, 2020

To Whom It May Concern:

RE: Applicant Disclosure of Pending Applications

Harris County Texas does not have (and is not proposed as a sub-recipient under) any pending applications submitted within the last 12 months for federally funded grants or cooperative agreements (or for sub-awards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover any identical cost items outlined in the budget submitted as part of this application.

Regards,

Brian Schmitz
Brian Schmitz (Jul 28, 2020 15:31 CDT)

Brian Schmitz
Grant Manager
Harris County Sheriff's Office

Federal Communication Information

Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)

Each applicant must provide responses to the following questions as an attachment to the application:

1. Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with DHS or ICE? **Yes**

2. Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1? **Yes**

3. If yes to either:
   - Please provide a copy of each law or policy
     a. **Texas Government Code Chapter 752, Subchapter C. Enforcement of State and Federal Immigration Laws by Local Entities and Campus Police Departments [Attached as Exhibit A]**

     b. ***City of El Cenizo, Texas v. Texas*, 890 F.3d 164 (5th Cir. 2018) [Attached as Exhibit B]**

   - Please describe each practice; and
     The City of Houston complies with all ICE detainers.

   - Please explain how the law, policy, or practice complies with section 1373.
     The City of Houston has no policy, procedure, or agreement that in any way prohibits, restricts or materially limits its personnel from maintaining, sending to, or receiving from the Immigration and Customs Enforcement (ICE) information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

Vernon's Texas Statutes and Codes Annotated
Government Code (Refs & Annos)
Title 7. Intergovernmental Relations (Refs & Annos)
Chapter 752. Immigration
Subchapter C. Enforcement of State and Federal Immigration Laws by Local Entities and Campus Police Departments

V.T.C.A., Government Code § 752.051

§ 752.051. Definitions

Effective: September 1, 2017
Currentness

In this subchapter:

(1) "Campus police department" means a law enforcement agency of an institution of higher education.

(2) "Immigration laws" means the laws of this state or federal law relating to aliens, immigrants, or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.).

(3) "Institution of higher education" means:

(A) an institution of higher education as defined by Section 61.003, Education Code; or

(B) a private or independent institution of higher education as defined by Section 61.003, Education Code.

(4) "Lawful detention" means the detention of an individual by a local entity, state criminal justice agency, or campus police department for the investigation of a criminal offense. The term excludes a detention if the sole reason for the detention is that the individual:

(A) is a victim of or witness to a criminal offense; or

(B) is reporting a criminal offense.

(5) "Local entity" means:

(A) the governing body of a municipality, county, or special district or authority, subject to Section 752.052;

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EXHIBIT NO. A

(B) an officer or employee of or a division, department, or other body that is part of a municipality, county, or special district or authority, including a sheriff, municipal police department, municipal attorney, or county attorney; and

(C) a district attorney or criminal district attorney.

(6) "Policy" includes a formal, written rule, order, ordinance, or policy and an informal, unwritten policy.

Credits

Added by Acts 2017, 85th Leg., ch. 4 (S.B. 4), § 1.01, eff. Sept. 1, 2017.

V. T. C. A., Government Code § 752.051, TX GOVT § 752.051
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V.T.C.A., Government Code § 752.052

§ 752.052. Applicability of Subchapter

Effective: September 1, 2017
Currentness

(a) This subchapter does not apply to a hospital or hospital district created under Subtitle C or D, Title 4, Health and Safety Code, a federally qualified health center as defined in Section 31.017, Health and Safety Code, a hospital owned or operated by an institution of higher education, or a hospital district created under a general or special law authorized by Article IX, Texas Constitution, to the extent that the hospital or hospital district is providing access to or delivering medical or health care services as required under the following applicable federal or state laws:

(1) 42 U.S.C. Section 1395dd;

(2) 42 U.S.C. Section 1396b(v);

(3) Subchapter C, Chapter 61, Health and Safety Code;

(4) Chapter 81, Health and Safety Code; and

(5) Section 311.022, Health and Safety Code.

(b) Subsection (a) excludes the application of this subchapter to a commissioned peace officer:

(1) employed by a hospital or hospital district during the officer's employment; or

(2) commissioned by a hospital or hospital district.

(c) This subchapter does not apply to a commissioned peace officer employed or contracted by a religious organization during the officer's employment with the organization or while the officer is performing the contract.

(d) This subchapter does not apply to a school district or open-enrollment charter school, including a peace officer employed or contracted by a district or charter school during the officer's employment with the district or charter school

or while the officer is performing the contract. This subchapter does not apply to the release of information contained in educational records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

(e) This subchapter does not apply to the public health department of a local entity.

(f) This subchapter does not apply to:

(1) a community center as defined by Section 571.003, Health and Safety Code; or

(2) a local mental health authority as defined by Section 531.002, Health and Safety Code.

Credits
Added by Acts 2017, 85th Leg., ch. 4 (S.B. 4), § 1.01, eff. Sept. 1, 2017.

V. T. C. A., Government Code § 752.052, TX GOVT § 752.052
Current through the end of the 2017 Regular and First Called Sessions of the 85th Legislature

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KeyCite Red Flag - Severe Negative Treatment
Unconstitutional or PreemptedHeld Unconstitutional by City of El Cenizo, Texas v. Texas, 5th Cir.(Tex.), May 08, 2018

Vernon's Texas Statutes and Codes Annotated
Government Code (Refs & Annos)
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Chapter 752. Immigration
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V.T.C.A., Government Code § 752.053

§ 752.053. Policies and Actions Regarding Immigration Enforcement

Effective: September 1, 2017
Currentness

(a) A local entity or campus police department may not:

(1) adopt, enforce, or endorse a policy under which the entity or department prohibits or materially limits the enforcement of immigration laws;

(2) as demonstrated by pattern or practice, prohibit or materially limit the enforcement of immigration laws; or

(3) for an entity that is a law enforcement agency or for a department, as demonstrated by pattern or practice, intentionally violate Article 2.251, Code of Criminal Procedure.

(b) In compliance with Subsection (a), a local entity or campus police department may not prohibit or materially limit a person who is a commissioned peace officer described by Article 2.12, Code of Criminal Procedure, a corrections officer, a booking clerk, a magistrate, or a district attorney, criminal district attorney, or other prosecuting attorney and who is employed by or otherwise under the direction or control of the entity or department from doing any of the following:

(1) inquiring into the immigration status of a person under a lawful detention or under arrest;

(2) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest, including information regarding the person's place of birth:

(A) sending the information to or requesting or receiving the information from United States Citizenship and Immigration Services, United States Immigration and Customs Enforcement, or another relevant federal agency;

(B) maintaining the information; or

(C) exchanging the information with another local entity or campus police department or a federal or state governmental entity;

(3) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or

(4) permitting a federal immigration officer to enter and conduct enforcement activities at a jail to enforce federal immigration laws.

(c) Notwithstanding Subsection (b)(3), a local entity or campus police department may prohibit persons who are employed by or otherwise under the direction or control of the entity or department from assisting or cooperating with a federal immigration officer if the assistance or cooperation occurs at a place of worship.

Credits
Added by Acts 2017, 85th Leg., ch. 4 (S.B. 4), § 1.01, eff. Sept. 1, 2017.

V. T. C. A., Government Code § 752.053, TX GOVT § 752.053
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V.T.C.A., Government Code § 752.054

§ 752.054. Discrimination Prohibited

Effective: September 1, 2017
Currentness

A local entity, campus police department, or a person employed by or otherwise under the direction or control of the entity or department may not consider race, color, religion, language, or national origin while enforcing immigration laws except to the extent permitted by the United States Constitution or Texas Constitution.

Credits
Added by Acts 2017, 85th Leg., ch. 4 (S.B. 4), § 1.01, eff. Sept. 1, 2017.

V. T. C. A., Government Code § 752.054, TX GOVT § 752.054
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KeyCite Yellow Flag - Negative Treatment
Unconstitutional or PreemptedValidity Called into Doubt by City of El Cenizo v. State, W.D.Tex., Aug. 30, 2017

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Government Code (Refs & Annos)
Title 7. Intergovernmental Relations (Refs & Annos)
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Subchapter C. Enforcement of State and Federal Immigration Laws by Local Entities and Campus Police Departments

V.T.C.A., Government Code § 752.055

§ 752.055. Complaint; Equitable Relief

Effective: September 1, 2017
Currentness

(a) Any citizen residing in the jurisdiction of a local entity or any citizen enrolled at or employed by an institution of higher education may file a complaint with the attorney general if the person asserts facts supporting an allegation that the entity or the institution's campus police department has violated Section 752.053. The citizen must include a sworn statement with the complaint stating that to the best of the citizen's knowledge, all of the facts asserted in the complaint are true and correct.

(b) If the attorney general determines that a complaint filed under Subsection (a) against a local entity or campus police department is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Travis County or in a county in which the principal office of the entity or department is located to compel the entity or department that is suspected of violating Section 752.053 to comply with that section.

(c) An appeal of a suit brought under Subsection (b) is governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure. The appellate court shall render its final order or judgment with the least possible delay.

Credits
Added by Acts 2017, 85th Leg., ch. 4 (S.B. 4), § 1.01, eff. Sept. 1, 2017.

V. T. C. A., Government Code § 752.055, TX GOVT § 752.055
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V.T.C.A., Government Code § 752.056

§ 752.056. Civil Penalty

Effective: September 1, 2017
Currentness

(a) A local entity or campus police department that is found by a court of law as having intentionally violated Section 752.053 is subject to a civil penalty in an amount:

(1) not less than $1,000 and not more than $1,500 for the first violation; and

(2) not less than $25,000 and not more than $25,500 for each subsequent violation.

(b) Each day of a continuing violation of Section 752.053 constitutes a separate violation for the civil penalty under this section.

(c) The court that hears an action brought under Section 752.055 against the local entity or campus police department shall determine the amount of the civil penalty under this section.

(d) A civil penalty collected under this section shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter B, Chapter 56, Code of Criminal Procedure.

(e) Sovereign immunity of this state and governmental immunity of a county and municipality to suit is waived and abolished to the extent of liability created by this section.

Credits
Added by Acts 2017, 85th Leg., ch. 4 (S.B. 4), § 1.01, eff. Sept. 1, 2017.

V. T. C. A., Government Code § 752.056, TX GOVT § 752.056
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KeyCite Yellow Flag - Negative Treatment
Unconstitutional or PreemptedValidity Called into Doubt by City of El Cenizo v. State, W.D.Tex., Aug. 30, 2017

Vernon's Texas Statutes and Codes Annotated
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V.T.C.A., Government Code § 752.0565

§ 752.0565. Removal from Office

Effective: September 1, 2017
Currentness

(a) For purposes of Section 66.001, Civil Practice and Remedies Code, a person holding an elective or appointive office of a political subdivision of this state does an act that causes the forfeiture of the person's office if the person violates Section 752.053.

(b) The attorney general shall file a petition under Section 66.002, Civil Practice and Remedies Code, against a public officer to which Subsection (a) applies if presented with evidence, including evidence of a statement by the public officer, establishing probable grounds that the public officer engaged in conduct described by Subsection (a). The court in which the petition is filed shall give precedence to proceedings relating to the petition in the same manner as provided for an election contest under Section 23.101.

(c) If the person against whom an information is filed based on conduct described by Subsection (a) is found guilty as charged, the court shall enter judgment removing the person from office.

Credits
Added by Acts 2017, 85th Leg., ch. 4 (S.B. 4), § 1.01, eff. Sept. 1, 2017.

V. T. C. A., Government Code § 752.0565, TX GOVT § 752.0565
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V.T.C.A., Government Code § 752.057

§ 752.057. Community Outreach Policy

Effective: September 1, 2017
Currentness

(a) Each law enforcement agency that is subject to the requirements of this subchapter may adopt a written policy requiring the agency to perform community outreach activities to educate the public that a peace officer may not inquire into the immigration status of a victim of or witness to an alleged criminal offense unless, as provided by Article 2.13, Code of Criminal Procedure, the officer determines that the inquiry is necessary to:

(1) investigate the offense; or

(2) provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

(b) A policy adopted under this section must include outreach to victims of:

(1) family violence, as that term is defined by Section 71.004, Family Code, including those receiving services at family violence centers under Chapter 51, Human Resources Code; and

(2) sexual assault, including those receiving services under a sexual assault program, as those terms are defined by Section 420.003.

Credits
Added by Acts 2017, 85th Leg., ch. 4 (S.B. 4), § 1.01, eff. Sept. 1, 2017.

V. T. C. A., Government Code § 752.057, TX GOVT § 752.057
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KeyCite Yellow Flag - Negative Treatment
Distinguished by Tenorio-Serrano v. Driscoll, D.Ariz., July 6, 2018

890 F.3d 164
United States Court of Appeals, Fifth Circuit.

CITY OF EL CENIZO, TEXAS; Raul L. Reyes, Mayor, City of El Cenizo; Tom Schmerber, County Sheriff; Mario A. Hernandez, Maverick County Constable Pct. 3-1; League of United Latin American Citizens; Maverick County, Plaintiffs–Appellees Cross–Appellants
City of Austin, Judge Sarah Eckhardt, in her Official Capacity as Travis County Judge; Sheriff Sally Hernandez, in her Official Capacity as Travis County Sheriff; Travis County; City of Dallas, Texas; The City of Houston, Intervenors–Plaintiffs–Appellees Cross–Appellants
v.
State of TEXAS; Greg Abbott, Governor of the State of Texas, in his Official Capacity, Ken Paxton, Texas Attorney General, Defendants–Appellants Cross–Appellees
El Paso County; Richard Wiles, Sheriff of El Paso County, in his Official Capacity; Texas Organizing Project Education Fund; Jo Anne Bernal, El Paso County Attorney in her Official Capacity; MOVE San Antonio, Plaintiffs–Appellees Cross–Appellants
Texas Association of Hispanic County Judges and County Commissioners, Intervenor–Plaintiff–Appellee Cross–Appellant
v.
State of Texas; Greg Abbott, Governor; Ken Paxton, Attorney General; Steve McCraw, Director of the Texas Department of Public Safety, Defendants–Appellants Cross–Appellees
City of San Antonio; Bexar County, Texas; Rey A. Saldana, in his Official Capacity as San Antonio City Councilmember; Texas Association of Chicanos in Higher Education; La Union Del Pueblo Entero, Incorporated; Workers Defense Project; City of El Paso, Plaintiffs–Appellees Cross–Appellants
City of Austin, Intervenor Plaintiff–Appellees Cross–Appellants
v.
State of Texas; Ken Paxton, sued in his Official Capacity as Attorney General of Texas; Greg Abbott, sued in his Official Capacity as Governor of the State of Texas, Defendants–Appellants Cross–Appellees

No. 17-50762
|
May 8, 2018

Synopsis
Background: Cities, counties, and local officials brought pre-enforcement action challenging Texas law forbidding "sanctuary city" policies throughout the state, by prohibiting local authorities from limiting their cooperation with federal immigration enforcement, and requiring local officers to comply with Immigration and Customs Enforcement (ICE) detainer requests. The United States District Court for the Western District of Texas, No. SA–17–CV–404–OLG, Orlando L. Garcia, J., 264 F.Supp.3d 744, issued a preliminary injunction, enjoining several of the law's provisions. The parties filed cross-appeals.

Holdings: The Court of Appeals, Edith H. Jones, Circuit Judge, held that:

[1] Texas law was not preempted;

[2] provision prohibiting a local entity or campus police department from endorsing a policy under which the entity or department would prohibit or materially limit the enforcement of immigration laws, proscribed core political speech, as applied to elected officials, and could not pass muster under the First Amendment;

[3] provision requiring that law enforcement agencies having custody of a person subject to an immigration detainer request comply with, honor, and fulfill any request made in the detainer request and inform the person that the person is being held pursuant to that request, was not facially unconstitutional under the Fourth Amendment;

[4] local government officials had standing to challenge provision requiring that law enforcement agencies having custody of a person subject to an immigration detainer request comply with, honor, and fulfill any request made

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EXHIBIT NO. B

in the detainer request and inform the person that the person is being held pursuant to that request;

[5] Fourth Amendment does not require probable cause of criminality to detain in the immigration context, abrogating *Mercado v. Dallas Cty., Texas*, 229 F.Supp.3d 501; *Santoyo v. United States*, 2017 WL 2896021;

[6] phrase "materially limits" in provision forbidding any policy or pattern or practice that prohibits or materially limits the enforcement of the immigration laws, was not unconstitutionally vague under the Fourteenth Amendment; and

[7] Texas constitution did not prevent Texas from preempting cities' home-rule authority, in passing law.

Affirmed in part and vacated in part.

Opinion, 885 F.3d 332, withdrawn and superseded.

West Headnotes (35)

[1] **Injunction**
Grounds in general;multiple factors

To be entitled to a preliminary injunction, applicants must show (1) a substantial likelihood that they will prevail on the merits, (2) a substantial threat that they will suffer irreparable injury if the injunction is not granted, (3) their substantial injury outweighs the threatened harm to the party whom they seek to enjoin, and (4) granting the preliminary injunction will not disserve the public interest.

2 Cases that cite this headnote

[2] **Federal Courts**
Preliminary injunction;temporary restraining order

Court of Appeals reviews a preliminary injunction for abuse of discretion, reviewing findings of fact for clear error and conclusions of law de novo.

Cases that cite this headnote

[3] **States**
Status under Constitution of United States, and relations to United States in general

Under the federal constitution, both the national and state governments have elements of sovereignty the other is bound to respect.

Cases that cite this headnote

[4] **States**
Congressional intent

Congress may preempt state legislation by enacting a statute containing an express preemption provision. U.S. Const. art. 6, cl. 2.

Cases that cite this headnote

[5] **Aliens, Immigration, and Citizenship**
Preemption

States
International relations;aliens

Texas law forbidding "sanctuary city" policies throughout the state, by prohibiting local authorities from limiting their cooperation with federal immigration enforcement, and requiring local officers to comply with Immigration and Customs Enforcement (ICE) detainer requests, was not subject to field preemption; federal law regulated how local entities could cooperate in immigration enforcement, while Texas law specified whether they would cooperate, and federal law did not suggest the intent to prevent states from regulating whether their localities would cooperate in immigration enforcement. U.S. Const. art. 6, cl. 2; Immigration and Nationality Act § 287, 8 U.S.C.A. § 1357; Tex. Gov't Code Ann. §§ 752.053(a), 752.053(b).

2 Cases that cite this headnote

[6] **States**
Occupation of field

"Field preemption" occurs when states are precluded from regulating conduct in a field that Congress, acting within its proper authority, has determined must be regulated by its exclusive governance. U.S. Const. art. 6, cl. 2.

Cases that cite this headnote

[7] **States**
Occupation of field

When determining whether state regulation is subject to field preemption, the relevant field should be defined narrowly. U.S. Const. art. 6, cl. 2.

Cases that cite this headnote

[8] **States**
Occupation of field

To establish field preemption, plaintiffs must prove that federal law evinces the clear and manifest purpose of Congress to preclude even complementary state legislation on the same subject. U.S. Const. art. 6, cl. 2.

Cases that cite this headnote

[9] **Aliens, Immigration, and Citizenship**
Power to regulate in general

Municipal Corporations
Political Status and Relations

The Tenth Amendment prevents Congress from compelling Texas municipalities to cooperate in immigration enforcement. U.S. Const. Amend. 10.

Cases that cite this headnote

[10] **States**
Conflicting or conforming laws or regulations

Conflict preemption occurs when compliance with both federal and state regulations is a physical impossibility, or when a state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. U.S. Const. art. 6, cl. 2.

Cases that cite this headnote

[11] **Aliens, Immigration, and Citizenship**
Preemption

Municipal Corporations
Political Status and Relations

Public Employment
Special authority or employment

States
International relations;aliens

Provision of Texas law forbidding any action that would prohibit or materially limit a specified official from assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance, was not subject to conflict preemption; provision did not permit local officials to act without federal direction and supervision, and although provision authorized local officers to perform immigration officer functions without an agreement described in provision of federal law governing performance of immigration officer functions by state officers and employees, savings clause in federal provision allowed for local cooperation without a formal agreement. U.S. Const. art. 6, cl. 2; U.S. Const. Amend. 10; Immigration and Nationality Act § 287, 8 U.S.C.A. § 1357(g); Tex. Gov't Code Ann. § 752.053(b)(3).

Cases that cite this headnote

[12] **States**
Police power

When a state is allowed to substantively regulate conduct, it must be able to impose reasonable penalties to enforce those regulations.

Cases that cite this headnote

[13] **Aliens, Immigration, and Citizenship**
Preemption

States

International relations;aliens

Provisions of Texas law forbidding local entities from preventing officers from inquiring into the immigration status of a person under a lawful detention or under arrest, and forbidding local entities from preventing officers from maintaining immigration-status information and sharing it with federal agencies, were not subject to conflict preemption; no suspicion, reasonable or unreasonable, was required for officers to ask questions of lawfully-detained individuals and it would be wrong to assume that status-inquiry provision authorized unreasonable conduct where the statute's text did not require it, and federal provision governing information sharing did not comprise any comprehensive regulatory framework with which Texas information-sharing provision could conflict. U.S. Const. art. 6, cl. 2; U.S. Const. Amend. 4; 8 U.S.C.A. § 1373; Tex. Gov't Code Ann. §§ 752.053(b)(1), 752.053(b)(2).

Cases that cite this headnote

[14] **Constitutional Law**

Political speech, beliefs, or activity in general

Constitutional Law

Employees

Education

Constitutional and statutory provisions

Municipal Corporations

Police and Fire

Provision of Texas law prohibiting a local entity or campus police department from endorsing a policy under which the entity or department would prohibit or materially limit the enforcement of immigration laws, proscribed core political speech, as applied to elected officials, and could not pass muster under the First Amendment; if "endorsement" was limited to sanction, it would either be superfluous or meaningless, in light of the rest of the statutory language. U.S. Const. Amend. 1; Tex. Gov't Code Ann. § 752.053(a)(1).

Cases that cite this headnote

[15] **Constitutional Law**

Consideration of limiting construction

Constitutional Law

Rewriting to save from unconstitutionality

Federal courts must accept a reasonable narrowing construction of a state law to preserve its constitutionality; however, a court has no authority to rewrite a law to conform it to constitutional requirements, for doing so would constitute a serious invasion of the legislative domain.

Cases that cite this headnote

[16] **Statutes**

Judicial construction;role, authority, and duty of courts

A statute must be readily susceptible to a construction for a court to adopt it.

1 Cases that cite this headnote

[17] **Constitutional Law**

Public officials in general

The state cannot regulate the substance of elected officials' speech under the First Amendment without passing the strict scrutiny test. U.S. Const. Amend. 1.

Cases that cite this headnote

[18] **Constitutional Law**

Government-sponsored speech

In the context of government speech, a state may endorse a specific viewpoint and require government agents to do the same. U.S. Const. Amend. 1.

Cases that cite this headnote

[19] **Aliens, Immigration, and Citizenship**

Constitutional and statutory provisions

Aliens, Immigration, and Citizenship

Detention in general

Texas law provision requiring that law enforcement agencies having custody of a person subject to an immigration detainer request comply with, honor, and fulfill any request made in the detainer request and inform the person that the person is being held pursuant to that request, was not facially unconstitutional under the Fourth Amendment; under Immigration and Customs Enforcement (ICE) policy, an immigration detainer request evidenced probable cause of removability in every instance, the immigration detainer mandate authorized and required state officers to carry out federal detention requests, it would remain ICE agent who made underlying removability determination, and mandate would not require officers to ignore facts that would negate probable cause. U.S. Const. Amend. 4; Tex. Crim. Proc. Code Ann. arts. 2.251(a), 2.251(b).

2 Cases that cite this headnote

[20] **Aliens, Immigration, and Citizenship**

Judicial Review or Intervention

Local government officials had standing to challenge Texas law provision requiring that law enforcement agencies having custody of a person subject to an immigration detainer request comply with, honor, and fulfill any request made in the detainer request and inform the person that the person is being held pursuant to that request; officials would face criminal penalties in addition to civil fines and expulsion from office for disobeying the mandate, but if they complied with the allegedly unconstitutional mandate, in addition to violating their oaths, any immigration-detainer mandate enforcement actions that knowingly violated detainees' Fourth Amendment rights could expose officials to damage suits. U.S. Const. Amend. 4; Tex. Crim. Proc. Code Ann. art. 2.251(a)(1)-(2).

Cases that cite this headnote

[21] **Federal Civil Procedure**

In general;injury or interest

Federal Civil Procedure

Causation;redressability

Standing in federal court requires that plaintiffs (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.

Cases that cite this headnote

[22] **Arrest**

Grounds for warrantless arrest in general

A constitutional seizure of a criminal defendant must generally be supported by probable cause. U.S. Const. Amend. 4.

Cases that cite this headnote

[23] **Constitutional Law**

Facial invalidity

To succeed on a facial challenge to the constitutionality of a statute, it is not enough for the plaintiffs to demonstrate that the statute will often cause constitutional violations; they must establish that the statute is unconstitutional in all of its applications.

Cases that cite this headnote

[24] **Searches and Seizures**

Constitutional and statutory provisions

A facial challenge to a statute under the Fourth Amendment does not fail merely because exigent circumstances or a warrant could independently justify some applications of the challenged statute. U.S. Const. Amend. 4.

Cases that cite this headnote

[25] **Aliens, Immigration, and Citizenship**

Arrest warrants

Federal immigration officers may seize aliens based on an administrative warrant attesting to probable cause of removability. U.S. Const. Amend. 4.

1 Cases that cite this headnote

[26] **Aliens, Immigration, and Citizenship**
Probable cause

Under the collective-knowledge doctrine, an Immigration and Customs Enforcement (ICE) officer's knowledge of probable cause of an alien's removability may be imputed to local officials even when those officials are unaware of the specific facts that establish probable cause of removability. U.S. Const. Amend. 4.

2 Cases that cite this headnote

[27] **Aliens, Immigration, and Citizenship**
Detention in general

Compliance with an immigration detainer request constitutes a paradigmatic instance of the collective-knowledge doctrine, where the detainer request itself provides the required communication between the arresting officer and an officer who has knowledge of all the necessary facts amounting to probable cause of removability. U.S. Const. Amend. 4.

1 Cases that cite this headnote

[28] **Aliens, Immigration, and Citizenship**
Detention Pending Removal Proceeding

Civil removal proceedings necessarily contemplate detention absent proof of criminality.

2 Cases that cite this headnote

[29] **Aliens, Immigration, and Citizenship**
Detention in general

Fourth Amendment does not require probable cause of criminality to detain in the immigration context; abrogating *Mercado v. Dallas Cty., Texas*, 229 F.Supp.3d 501; *Santoyo v. United States*, 2017 WL 2896021. U.S. Const. Amend. 4.

1 Cases that cite this headnote

[30] **Aliens, Immigration, and Citizenship**
Constitutional and statutory provisions

Constitutional Law
Aliens, Immigration, and Citizenship

Phrase "materially limits" in provision of Texas law forbidding any policy or pattern or practice that prohibits or materially limits the enforcement of the immigration laws, was not unconstitutionally vague under the Fourteenth Amendment; status-inquiry, information-sharing, and assistance-cooperation provisions of law provided specific examples of what conduct local entities could not limit, materiality was not a vague concept, especially to actors subject to provisions who were law enforcement or government officers, and "materially limits" was not redundant of "prohibits." U.S. Const. Amend. 14; Tex. Gov't Code Ann. §§ 752.053(a)(1)-(2), 752.053(b)(1)-(3).

Cases that cite this headnote

[31] **Constitutional Law**
Vagueness on face or as applied

A statutory provision is "facially vague" when it is plagued with such hopeless indeterminacy that it precludes fair notice of the conduct it punishes; a facially vague provision is so standardless that it invites arbitrary enforcement.

Cases that cite this headnote

[32] **Constitutional Law**
Invalidity as applied

In general, as-applied challenges brought in post-enforcement proceedings are the basic building blocks of constitutional adjudication.

Cases that cite this headnote

[33] **Federal Courts**
Constitutional questions

Cities, counties, and local officials waived argument that under the Texas constitution, the state could not preempt cities' home-rule authority without passing the sort of direct immigration regulation that would be preempted by federal law, where they failed to adequately raise issue in the district court.

1 Cases that cite this headnote

[34] **Aliens, Immigration, and Citizenship**
Preemption

Municipal Corporations
Local legislation

Texas constitution did not prevent Texas from preempting cities' home-rule authority, to forbid "sanctuary city" policies throughout the state, by prohibiting local authorities from limiting their cooperation with federal immigration enforcement, and requiring local officers to comply with Immigration and Customs Enforcement (ICE) detainer requests.

2 Cases that cite this headnote

[35] **Municipal Corporations**
Local legislation

Municipal Corporations
Conformity to constitutional and statutory provisions in general

The Texas Constitution prohibits a city from acting in a manner inconsistent with the general laws of the state; thus, the legislature may, by general law, withdraw a particular subject from a home rule city's domain.

1 Cases that cite this headnote

West Codenotes

Held Unconstitutional
Tex. Gov't Code Ann. § 752.053(a)(1)

Negative Treatment Reconsidered
Tex. Crim. Proc. Code Ann. art. 2.251; Tex. Penal Code Ann. § 39.07

*169 Appeals from the United States District Court for the Western District of Texas, Orlando L. Garcia, U.S. District Judge

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Before JONES and SMITH, Circuit Judges.

Opinion

EDITH H. JONES, Circuit Judge:

***165 *170 *171 *172 *173** We withdraw our prior opinion of March 13, 2018, *City of El Cenizo v. Texas*, 885 F.3d 332 (5th Cir. 2018), and substitute the following, the purpose of which is to eliminate reference to *United States v. Gonzalez–Longoria*, 831 F.3d 670 (5th Cir. 2016) (en banc), given that decision's abrogation by the Supreme Court in *Sessions v. Dimaya*, —— U.S. ——, 138 S.Ct. 1204, 200 L.Ed.2d 549 (2018). [1]

Texas cities, counties, and local officials challenge Senate Bill 4 ("SB4"), a Texas law that forbids "sanctuary city" policies throughout the state. SB4 prohibits local authorities from limiting their cooperation with federal immigration enforcement, and it requires local officers to comply with Immigration and Customs Enforcement ("ICE") detainer requests. In their pre-enforcement lawsuit, the plaintiffs alleged a battery of constitutional violations: (I) SB4 is preempted by federal immigration law, (II) SB4's "endorse" prohibition violates the First and Fourteenth Amendments, (III) SB4's ICE-detainer mandate violates the Fourth Amendment, and (IV) SB4's phrase "materially limits" is unconstitutionally vague under the Fourteenth Amendment. The district court issued a preliminary injunction, enjoining several of the law's provisions. Texas appeals the injunction, and the plaintiffs cross-appeal the district court's refusal to issue a broader injunction. With one exception, SB4's provisions do not, on their face, violate the Constitution. For the following reasons, we uphold the statute in its entirety except for the application of the "endorsement" prohibition, Tex. Gov't Code § 752.053(a)(1), to elected officials.

BACKGROUND

I. Senate Bill 4

In May 2017, the Texas Legislature enacted Senate Bill 4 to prohibit sanctuary city policies. The law imposes duties on certain state officials and provides civil and criminal liability for violations of those duties. Three parts of the law are critical to this case: (A) the immigration-enforcement provisions, (B) the ICE-detainer mandate, and (C) the penalty provisions.

A. Immigration–Enforcement Provisions

As codified at Texas Government Code § 752.053(a)-(b), SB4 forbids local entities ***174** from limiting the enforcement of federal immigration law. Subsections (a)(1) and (a)(2) of Section 752.053 provide broad prohibitions. Under subsection (a)(1), a local entity may not "adopt, enforce, or endorse a policy under which [it] prohibits or materially limits" immigration enforcement. *Id.* § 752.053(a)(1). After subsection (a)(1) deals with anti-cooperation "policies," subsection (a)(2) further prohibits any "pattern or practice" that similarly frustrates enforcement. *Id.* § 752.053(a)(2).

Following the general prohibitions in (a)(1) and (a)(2), subsection (b) enumerates concrete examples of immigration-enforcement activities that a local entity may not "prohibit or materially limit." *Id.* § 752.053(b). These include (b)(1) "inquiring into the immigration status" of lawfully detained individuals, (b)(2) sharing immigration-status information with federal agencies, and (b)(3) "assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance." *Id.* § 752.053(b)(1)-(3). [2]

The prohibitions in Section 752.053 apply broadly to any "local entity or campus police department." *Id.* § 752.053(a)-(c). SB4 defines "local entity" to include the governing bodies of counties and municipalities as well as officers or employees of those authorities, including "a sheriff, municipal police department, municipal attorney, [] county attorney[,] ... district attorney or criminal district attorney." *See id.* § 752.051(5)(A)-(C). But SB4 excludes hospitals, school districts, and certain community centers —as well as officers employed by these institutions—from the law's requirements. *See id.* § 752.052(a)-(f).

B. ICE-detainer Mandate

As codified at Texas Code of Criminal Procedure article 2.251, SB4's ICE-detainer mandate requires law-enforcement agencies to comply with detainer requests submitted by ICE. An ICE detainer is a written request to state or local officials, asking them (1) to notify the Department of Homeland Security ("DHS") as soon as practicable before an alien is released and (2) to maintain custody of the alien for up to 48 hours beyond the preexisting release date so that DHS may assume custody.[3] As of April 2017, ICE must make this request using Form I-247A, which must be accompanied by a signed administrative warrant. Form I-247A states that DHS has determined that there is probable cause that the subject of the request is a removable alien, and ICE officers check one of four boxes on the form to indicate the basis for probable cause.[4]

SB4's ICE-detainer mandate applies whenever "[a] law enforcement agency [ ] has custody of a person subject to" an ICE detainer. Tex. Code Crim. Proc. art. 2.251(a). Under subsection (a), the mandate requires law enforcement agencies to "comply with, honor, and fulfill" ICE's requests. *Id.* It also requires that the individual in custody be informed he "is being held pursuant to" an ICE detainer. *Id.* art. 2.251(a)(2).

Subsection (b) provides a lone exception to the detainer mandate: law enforcement ***175** agencies need not comply with detainers if shown "proof that the person is a citizen of the United States or ... has lawful immigration status." *Id.* art. 2.251(b). Subsection (b) states that such "proof" could include a Texas driver's license or similar government-issued ID. *Id.* art. 2.251(b).

C. Penalty Provisions

SB4 is enforced through civil and criminal penalties by Texas's Attorney General. Private citizens may file complaints with the Attorney General, alleging by sworn statement that a local entity is violating the enforcement provisions. *See* Tex. Gov't Code § 752.055(a). Upon determining that such a complaint is valid, the Attorney General may file suit in state court to enforce the law. *See id.* § 752.055(b). If a court finds there has been a violation, local entities may be subject to fines of $1,000 to $1,500 for a first violation and $25,000 to $25,500 for subsequent ones, with each day of continuing violation constituting a separate violation. *See id.* § 752.056(a)-(b). If the Attorney General is presented with evidence that a public officer has violated the enforcement provisions, SB4 *requires* the Attorney General to file an enforcement action. *See id.* § 752.0565(b). Public officers found guilty of violating the law are subject to removal from office. *See id.* § 752.0565(c).

SB4 makes certain officials' failure to comply with SB4's ICE-detainer provision a misdemeanor. *See* Tex. Penal Code § 39.07(a)-(c). SB4 further requires Texas to indemnify local entities against any claim arising out of their good-faith compliance with an ICE-detainer request. *See* Tex. Gov't Code § 402.0241.

II. Prior Proceedings

Before SB4 could go into effect, several Texas cities, counties, local law-enforcement and city officials, and advocacy groups challenged the law in three consolidated actions. The plaintiffs sought a preliminary injunction, and the district court found the plaintiffs likely to prevail on the following claims:

- Section 752.053(b)(3)'s assistance-cooperation provision is field and conflict preempted by federal immigration law;
- Section 752.053(a)(1)'s "endorse" prohibition violates the First and Fourteenth Amendments because it is overbroad, discriminates on the basis of viewpoint, and is unconstitutionally vague;
- Section 752.053(a)(1) and (a)(2)'s "materially limits" prohibitions are unconstitutionally vague under the Fourteenth Amendment; and
- Article 2.251's ICE-detainer mandate violates the Fourth Amendment.

Enjoining these provisions, the district court nevertheless rejected the plaintiffs' claims that SB4 was preempted more generally.

Following the district court's order, Texas moved this court to stay the injunction pending appeal. The stay panel granted the motion in part, finding Texas likely to prevail on the Fourth Amendment and preemption claims, and stayed the injunction as to article 2.251's ICE-detainer mandate and Section 752.053(b)(3)'s assistance-cooperation provision. *City of El Cenizo v. Texas*, No.

17-50762, 2017 WL 4250186, at *2 (5th Cir. Sept. 25, 2017) (per curiam). The stay panel left the injunction in place as to the "endorse" and the "materially limits" prohibitions, concluding that possible limiting constructions of these terms "are best left for the time when this court's ruling would have more finality." *Id.* Texas now appeals the preliminary injunction, and the plaintiffs cross-appeal the district court's refusal to enjoin SB4 completely.

*176 STANDARD OF REVIEW

[1] [2] "To be entitled to a preliminary injunction, the applicants must show (1) a substantial likelihood that they will prevail on the merits, (2) a substantial threat that they will suffer irreparable injury if the injunction is not granted, (3) their substantial injury outweighs the threatened harm to the party whom they seek to enjoin, and (4) granting the preliminary injunction will not disserve the public interest." *Tex. Med. Providers Performing Abortion Servs. v. Lakey*, 667 F.3d 570, 574 (5th Cir. 2012) (brackets and citations omitted). This court "review[s] a preliminary injunction for abuse of discretion, reviewing findings of fact for clear error and conclusions of law *de novo*." *Texans for Free Enter. v. Tex. Ethics Comm'n*, 732 F.3d 535, 537 (5th Cir. 2013) (citations omitted). Because the issues raised by the parties substantially overlap, we discuss the appeal and cross-appeal together.

DISCUSSION

I. Preemption

[3] [4] Under the federal Constitution, "both the National and State Governments have elements of sovereignty the other is bound to respect." *Arizona v. United States*, 567 U.S. 387, 398, 132 S.Ct. 2492, 2500, 183 L.Ed.2d 351 (2012). Because dual sovereignty allows for conflicts between state and federal legislation, the Constitution's Supremacy Clause provides that federal legislation "shall be the supreme Law of the Land." U.S. Const. art. VI, cl. 2. Congress may preempt state legislation "by enacting a statute containing an express preemption provision," *Arizona*, 567 U.S. at 399, 132 S.Ct. at 2500–01, but this case does not involve express preemption. Rather, the plaintiffs allege two forms of *implied* preemption: field preemption and conflict preemption.

A. Field Preemption

[5] [6] Field preemption occurs when "States are precluded from regulating conduct in a field that Congress, acting within its proper authority, has determined must be regulated by its exclusive governance." *Arizona*, 567 U.S. at 399, 132 S.Ct. at 2501. Although the Supreme Court has recognized field preemption claims, it has indicated courts should hesitate to infer field preemption unless plaintiffs show "that complete ouster of state power including state power to promulgate laws not in conflict with federal laws was 'the clear and manifest purpose of Congress.' " *De Canas v. Bica*, 424 U.S. 351, 357, 96 S.Ct. 933, 937, 47 L.Ed.2d 43 (1976) (quoting *Florida Lime & Avocado Growers, Inc. v. Paul*, 373 U.S. 132, 146, 83 S.Ct. 1210, 1219, 10 L.Ed.2d 248 (1963)); *see also Villas at Parkside Partners v. City of Farmers Branch*, 726 F.3d 524, 560 (5th Cir. 2013) (en banc) (Higginson, J., specially concurring) (noting that *De Canas* forecloses sweeping field preemption claims). Analyzing the relevant federal legislation, we conclude that the plaintiffs have not satisfied this standard. Congress has not preempted the field that SB4 regulates.

The district court found only one provision of SB4 field preempted. According to the district court, Section 752.053(b)(3)'s assistance-cooperation provision impermissibly regulates the field of "immigration enforcement," which Congress fully preempted through comprehensive regulation. The plaintiffs now argue that SB4 is field-preempted in its entirety because Congress occupied the field of "federal-local cooperation in immigration enforcement."

As evidence that Congress has comprehensively regulated the relevant field, the plaintiffs point to federal statutes regulating local cooperation with immigration enforcement. *177 *See* 8 U.S.C. § 1324(c) (permitting local officers to make arrests for crimes of immigrant smuggling, transporting, or harboring); *id.* § 1252c (authorizing local officers to make arrests to enforce criminal reentry provisions following INS "confirmation" of an individual's immigration status); *id.* § 1103(a)(10) (authorizing local officers to enforce immigration law if the Attorney General has "determine[d] that an actual or imminent mass influx of aliens ... presents urgent circumstances"); *id.* §§ 1373, 1644 (requiring that state and local jurisdictions permit their officers to send, receive,

and maintain "information regarding the citizenship or immigration status" of individuals).

In addition to these provisions, the plaintiffs rely heavily on 8 U.S.C. § 1357, which specifies immigration-officer functions and describes circumstances under which state and local officers can perform those functions. Under Section 1357, immigration-officer functions include the power "to interrogate" and "to arrest" aliens without a warrant. *Id.* § 1357(a)(1)-(2). Section 1357 further provides that states and political subdivisions can enter into written agreements with the Federal Government, so that state and local officers can perform immigration-officer functions. *Id.* § 1357(g). These "287(g)"[5] agreements require that local officers must be "determined by the Attorney General to be qualified"; that they receive appropriate training; that their powers and duties are set forth in a written agreement; and that they are "subject to the direction and supervision of the Attorney General." *Id.* § 1357(g)(1)-(5). States and municipalities may not be required to enter into these agreements. *Id.* § 1357(g)(9).

Section 1357 also contains a critical savings clause. *Id.* § 1357(g)(10). Because the parties' analysis focuses heavily on this provision, we quote it in full:

> (10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State—
>
> > (A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States; or
> >
> > (B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.

Id. § 1357(g)(10)(A)-(B). Therefore, although Section 1357 creates a highly regulated scheme for adopting 287(g) agreements, it also expressly allows cooperation in immigration enforcement outside those agreements. *Id.*

[7] The plaintiffs' reliance on these provisions is misplaced; SB4 and the federal statutes involve different fields. Federal law regulates *how* local entities may cooperate in immigration enforcement; SB4 specifies *whether* they cooperate. One could perhaps define the field broadly enough to include both SB4 and federal legislation, but the relevant field should be defined narrowly. *See Arizona*, 567 U.S. at 400–01, 132 S.Ct. at 2501–02 (defining the relevant field as "alien registration"); *De Canas*, 424 U.S. at 360 n.8, 96 S.Ct. at 938 ("Every Act of Congress occupies some field, but we must know the boundaries of that field before we can say that it has precluded a state from the exercise of any ***178** power reserved to it by the Constitution.") (quoting *Hines v. Davidowitz*, 312 U.S. 52, 78–79, 61 S.Ct. 399, 410, 85 L.Ed. 581 (1941) (Stone, J., dissenting)).

[8] To establish field preemption, moreover, the plaintiffs must prove that federal law evinces "the clear and manifest purpose of Congress" to preclude even complementary state legislation on the same subject. *De Canas*, 424 U.S. at 357, 96 S.Ct. at 937. Federal law does not suggest the intent—let alone a "clear and manifest" one—to prevent states from regulating *whether* their localities cooperate in immigration enforcement. Section 1357 does not require cooperation at all. *Id.* § 1357(g)(9). And the savings clause allowing cooperation without a 287(g) agreement indicates that some state and local regulation of cooperation is permissible. *See id.* § 1357(g)(10)(A)-(B).

[9] There is a further weakness in this field preemption claim. The plaintiffs acknowledge that the Tenth Amendment prevents Congress from compelling Texas municipalities to cooperate in immigration enforcement. *See generally Printz v. United States*, 521 U.S. 898, 117 S.Ct. 2365, 138 L.Ed.2d 914 (1997). Congress could not pass a *federal* SB4. But if that is so, it seems impossible that Congress has occupied the field that SB4 regulates.

The district court's field preemption analysis underscores the difference between SB4 and the relevant federal legislation. The district court found that Section 1357 demonstrates Congress's intent to retain oversight over local immigration enforcement. But SB4 does nothing to strip oversight from the Federal Government. In its operation, SB4 is similar to one of the city ordinances some plaintiffs have themselves adopted. These ordinances regulate whether and to what extent the local entities will participate in federal-local immigration enforcement cooperation.[6] SB4 accomplishes the same goal on a state-wide level. If SB4 is field preempted, so too are the local ordinances that regulate "federal-local cooperation in immigration enforcement."

While this accentuates the substantive difference between SB4 and the relevant federal legislation, the plaintiffs' arguments focusing on congressional intent sound principally in conflict preemption. We analyze these below.

B. Conflict Preemption

[10] Conflict preemption occurs when "compliance with both federal and state regulations is a physical impossibility," *Florida Lime & Avocado Growers*, 373 U.S. at 142–43, 83 S.Ct. at 1217, or when a state law "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." *Hines*, 312 U.S. at 67, 61 S.Ct. at 404. The district court held that only Section 752.053(b)(3) and its related penalties were conflict preempted, but the plaintiffs now argue that other provisions of SB4 impliedly conflict with federal law. We conclude that none of SB4's provisions conflict with federal law.

i. The Assistance–Cooperation Provision

[11] Section 752.053(b)(3) of the Texas Government Code forbids any action that would "prohibit or materially limit" a specified official from "assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance." *See* Tex. Gov't Code § 752.053(b)(3). The plaintiffs argue ***179** that this provision is preempted for three reasons: (1) it permits unilateral local immigration enforcement, (2) it authorizes local officers to perform immigration-officer functions without a 287g agreement, and (3) it conflicts with the federal purpose that local cooperation in immigration enforcement be entirely voluntary.

The plaintiffs' first argument misconstrues the statute. Certainly, *Arizona* emphasized the "principle that the removal process is entrusted to the discretion of the Federal Government." *Arizona*, 567 U.S. at 409, 132 S.Ct. at 2506. And the Court found Section 6 of Arizona's SB1070 preempted because it granted local officers authority to conduct unilateral warrantless arrests of aliens suspected of being removable. *See id.* Unlike the statute in *Arizona*, however, SB4's assistance-cooperation provision does not authorize unilateral enforcement. Indeed, the phrase "assisting or cooperating" requires a predicate federal *request* for assistance. *See* Tex. Gov't Code § 752.053(b)(3). Subsection (b)(3) also specifies that this assistance and cooperation must occur "with a federal immigration officer as reasonable or necessary." *Id.* § 752.053(b)(3). SB4's assistance-cooperation provision does not permit local officials to act without federal direction and supervision. [7]

The plaintiffs' second argument suggests that subsection (b)(3) conflicts with federal law by allowing local officers to engage in immigration-officer functions absent the requirements imposed by 8 U.S.C. § 1357(g). The plaintiffs stress that these requirements—a written agreement, training, and direct supervision by DHS—ensure that immigration enforcement adheres to congressional priorities and prevents the mistreatment of noncitizens. Section 752.053(b)(3) allegedly ignores these requirements, thereby undermining federal law's delicate balance of statutory objectives.

This argument discounts the savings clause in 8 U.S.C. § 1357(g)(10)(B), which explicitly provides that a 287(g) agreement is *not required* for states "otherwise to cooperate ... in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States." This provision indicates that Congress intended local cooperation without a formal agreement in a range of key enforcement functions. The plaintiffs rely on the word "otherwise" to argue that permissible cooperation must categorically exclude activities allowed under 287(g) agreements. We disagree. The savings clause clarifies that a 287(g) agreement is not required "(A) to communicate ... or (B) otherwise to cooperate." *Id.* § 1357(g)(10)(A)-(B). In context, the word "otherwise" refers to subsection (A) and explains that subsection (B) permits cooperation *beyond* communication—communication itself being a form of cooperation. [8] The plaintiffs are wrong to suggest that this interpretation makes 287(g) ***180** agreements superfluous. Under these agreements, state and local officials become de facto immigration officers, competent to act on their own initiative. By contrast, Section 1357(g)(10)(B) and SB4's assistance-cooperation provision permit no unilateral enforcement activity.

The plaintiffs also contend that this savings clause allows for only case-by-case cooperation. Yet a "case-by-case" qualifier is absent from the statute's text. DHS guidance relied on by the plaintiffs also fails to support their argument. This guidance critiques "systematic" local enforcement that "conflicts with the policies or priorities

set by the Federal Government or limits the ability of the Federal Government to exercise discretion under federal law whenever it deems appropriate." [9] State action under SB4's assistance-cooperation provision will not conflict with federal priorities or limit federal discretion in this way because it requires a predicate federal request. DHS guidance does not suggest that subsection (b)(3) authorizes conduct beyond what is allowed by Section 1357(g)(B)(10)'s savings clause. [10]

The plaintiffs' third conflict argument unnecessarily reads a preemptive purpose into federal law; they claim that subsection (b)(3) makes *mandatory* what Congress intended to be *voluntary*. To support this argument, the plaintiffs observe that Section 1357(g) refers to both a "State" and a "political subdivision," and they infer that Congress *specifically intended* that "political subdivisions" be able to choose whether to cooperate in immigration enforcement. The plaintiffs support this reading by pointing to 8 U.S.C. § 1373, which—somewhat like SB4's information-sharing provision—prohibits states and local entities from refusing to share federal immigration-status information. According to the plaintiffs, Section 1373 proves that Congress could have required political subdivisions to cooperate more generally, but expressly chose not to do so.

The plaintiffs' arguments fail for two reasons. First, recent Supreme Court decisions in this area undermine this implied congressional purpose. In *Arizona*, for instance, the Supreme Court upheld state laws *mandating* immigration-status inquiries. *See Arizona*, 567 U.S. at 411–415, 132 S.Ct. at 2508–10. Similarly, in *Chamber of Commerce of U.S. v. Whiting*, the Court upheld a state law *mandating* that employers check immigration status with an electronic-verification system. 563 U.S. 582, 611, 131 S.Ct. 1968, 1987, 179 L.Ed.2d 1031 (2011) (concluding that state law fell within the Immigration Reform and Control Act's savings clause). In neither case did federal law require these status inquiries. Yet the Supreme Court did not suggest that the states' requirements conflicted with the congressional desire for *voluntary* cooperation. Indeed, the Court has repeatedly rejected a "freewheeling judicial inquiry into whether a state statute is in tension with federal objectives" because "such an endeavor would undercut the principle that it is Congress rather than the courts that preempts state law." *Whiting*, 563 U.S. at 607, 131 S.Ct. at 1985 (citations omitted).

[12] Second, and as noted earlier, the plaintiffs have admitted that, under the Tenth Amendment, Congress could not compel local entities to enforce immigration ***181** law. If that is the case, Congress did not choose to make these laws voluntary; it could not have made them mandatory. Section 1373 itself has not been immune from Tenth Amendment scrutiny. *See City of New York v. United States*, 179 F.3d 29, 34–37 (2d Cir. 1999) (upholding the federal legislation "[g]iven the circumscribed nature of [the court's] inquiry"). Together with the shaky foundation of the plaintiffs' imputed purpose, the Tenth Amendment implications show that SB4's assistance-cooperation provision does not conflict with federal law. [11]

ii. The Status–Inquiry and Information–Sharing Provisions

[13] Section 752.053(b)(1) of the Texas Government Code, the status-inquiry provision, forbids local entities from preventing officers from "inquiring into the immigration status of a person under a lawful detention or under arrest." *See* Tex. Gov't Code § 752.053(b)(1). Subsection (b)(2), the information-sharing provision, forbids local entities from preventing officers from maintaining immigration-status information and sharing it with federal agencies. *See id.* § 752.053(b)(2). Because the *Arizona* Court upheld equivalent sections of a state statute, the plaintiffs' arguments are insufficient to establish a conflict.

The plaintiffs contend that subsection (b)(1) authorizes "interrogation," which is an immigration-officer function under 8 U.S.C. § 1357(g)(a)(1). But it is not clear why SB4's status-inquiry provision authorizes impermissible conduct but the provision upheld in *Arizona* did not. In *Arizona*, the state law required local officers to make a "reasonable attempt ... to determine the immigration status" of anyone who has been lawfully detained if "reasonable suspicion exists that the person is an alien and is unlawfully present in the United States." *Arizona*, 567 U.S. at 411, 132 S.Ct. at 2507. The law also required that "[a]ny person who is arrested shall have the person's immigration status determined before the person is released." *Id.*

If anything, the statute in *Arizona* seems more problematic because it mandates status inquiries where SB4 merely forbids preventing those inquiries. True, the Court in *Arizona* seemed to assume that status inquiries primarily

involved communication with ICE and the statute in *Arizona* uses the word "reasonable." *See Arizona*, 567 U.S. at 411–12, 132 S.Ct. at 2507–08. But no suspicion —reasonable or unreasonable—is required for officers to ask questions of lawfully-detained individuals. *See Muehler v. Mena*, 544 U.S. 93, 101, 125 S.Ct. 1465, 1471–72, 161 L.Ed.2d 299 (2005). And it would be wrong to assume that SB4 authorizes unreasonable conduct where the statute's text does not require it. *See Arizona*, 567 U.S. at 415, 132 S.Ct. at 2510 (quoting *Huron Portland Cement Co. v. City of Detroit*, 362 U.S. 440, 446, 80 S.Ct. 813, 817–18, 4 L.Ed.2d 852 (1960)) (noting that the Court's precedents "enjoin seeking out conflicts between state and federal regulation where none clearly exists"). [12]

***182** Regarding subsection (b)(2), the plaintiffs observe that this provision mirrors the federal information-sharing provisions in 8 U.S.C. § 1373 but imposes harsher penalties. Section 1373, however, does not comprise any comprehensive regulatory framework with which SB4 could conflict. As noted above, the Tenth Amendment would likely preclude Congress from enforcing Section 1373 with the penalties provided by SB4. Moreover, the *Arizona* Court emphasized that Congress "has encouraged the sharing of information about possible immigration violations." *Arizona*, 567 U.S. at 412, 132 S.Ct. 2492. In light of *Arizona*, neither the status-inquiry nor the information-sharing provisions of SB4 are conflict preempted. [13]

II. The "Endorse" Prohibition

[14] Section 752.053(a)(1) provides that a "local entity or campus police department" may not "*endorse* a policy under which the entity or department prohibits or materially limits the enforcement of immigration laws." *See* Tex. Gov't Code § 752.053(a)(1) (emphasis added). The term "local entity" includes not only governmental bodies like city councils and police departments, but also a series of elected officials and "officer[s] or employee[s]" of the listed bodies. *See id.* § 752.051(5)(A)-(C). The district court concluded that the term "endorse" (1) was overbroad, (2) constituted viewpoint discrimination, and (3) was unconstitutionally vague. To the extent that "endorse" prohibits core political speech by elected officials, it is not "readily susceptible" to a limiting construction that avoids constitutional concerns. Accordingly, on different reasoning from that employed by the district court, we apply the principle of severability and reject the application of the "endorse" provision to elected officials covered by Section 752.053(a)(1).

We must begin by construing the state statute. *United States v. Williams*, 553 U.S. 285, 293, 128 S.Ct. 1830, 1838, 170 L.Ed.2d 650 (2008) ("[I]t is impossible to determine whether a statute reaches too far without first knowing what the statute covers."). Texas urges this court to adopt a narrowing construction that interprets "endorse" to mean "sanction" and limits the verb's scope to official speech.

[15] **[16]** Federal courts must accept a reasonable narrowing construction of a state law to preserve its constitutionality. *See Voting for Am., Inc., v. Steen*, 732 F.3d 382, 396 (5th Cir. 2013). However, a court has no authority to " 'rewrite a ... law to conform it to constitutional requirements,' for doing so would constitute a 'serious invasion of the legislative domain.' " *United States v. Stevens*, 559 U.S. 460, 481, 130 S.Ct. 1577, 1592, 176 L.Ed.2d 435 (2010) (citations omitted). A statute must be "readily susceptible" to a construction for a court to adopt it. *Id.*; *see also Erznoznik v. City of Jacksonville*, 422 U.S. 205, 216–17, 95 S.Ct. 2268, 2276, 45 L.Ed.2d 125 (1975) (refusing to adopt a limiting construction because "the ordinance by its plain terms [was] not easily susceptible of" one).

The verb "endorse" literally means "to write on the back of (a document)," [14] but ***183** there is no question that the figurative meaning of the verb includes the broad significance the district court ascribed to it. [15] As shown by the district court's survey of dictionary definitions, the most common meaning of "endorse" encompasses "a recommendation, suggestion, comment, or other expression in support of or in favor of an idea or viewpoint that is generally conveyed openly or publicly." Texas is also correct, however, that the verb "sanction" is a common definition for "endorse." [16] And the verb "sanction" denotes the use of official authority to ratify or authorize. [17] The question here is not just whether "endorse" is susceptible to the meaning that Texas proposes, but whether it is reasonable to limit the word accordingly.

For several reasons, we do not find the "endorse" prohibition readily susceptible to this limitation. First, the *noscitur a sociis* canon does not support the state's

argument. This canon explains that, "[w]hen several nouns or verbs or adjectives or adverbs—any words—are associated in a context suggesting that the words have something in common, they should be assigned a permissible meaning that makes them similar." *See* Antonin Scalia & Bryan Garner, Reading Law: The Interpretation of Legal Texts 195 (2012). This canon does not imbue words with unnatural meaning, but serves "rather to limit a general term to a subset of all the things or actions that it covers." *See id.* at 196. For instance, in *United States v. Williams*, the Supreme Court relied on this canon to find that a statute only penalized "speech that accompanies or seeks to induce a transfer of child pornography." 553 U.S. 285, 294, 128 S.Ct. 1830, 1839, 170 L.Ed.2d 650 (2008). In *Williams*, the relevant list of verbs was "advertises, promotes, presents, distributes, or solicits." *Id.* The Court recognized that the verbs "promotes" and "presents" were "susceptible of multiple and wide-ranging meanings," which would, like a broad construction of "endorse," cover much protected speech. *Id.* To avoid the First Amendment problem, the Court used *noscitur a sociis* to narrow "promotes" and "presents" to their "transactional connotation." *Id.*

Using *noscitur a sociis* here to limit "endorse" to the meaning it shares with "adopt" and "enforce" renders "endorse" either superfluous or meaningless. To the extent that all three verbs connote the ***184** exercise of government authority to develop and administer policy, "endorse" (as interpreted by the state to mean "officially sanction") adds nothing of substance to the prohibitions against an entity's actually "adopting" or "enforcing" policies at odds with SB4. Without putting action behind his "sanction," an official who merely "endorses" impermissible policies has not "adopted" or "enforced" them, no matter the amount of speech he has devoted to that end. The official's "sanction" is toothless. Alternatively, if an official's "sanction" is functionally equivalent to "adopting" or "enforcing" impermissible policies, the word becomes wholly redundant. There is no generic context, like the "transactional context" noted in *Williams*, in which "endorse," read to mean "sanction," conveys additional meaning to this provision.

Second, that the clause following "endorse" prohibits the endorsement of "a policy under which *the entity or department* limits the enforcement of immigration laws" does not support the state's narrow interpretation of "endorse." *See* Tex. Gov't Code § 752.053(a)(1) (emphasis added). Granted, under this qualifying phrase, SB4 does not regulate any statements approving hypothetical policies or the policies of any other entity of government. But as we have explained, the "endorsement" as "sanction" of policies contrary to SB4, without accompanying action to "adopt" or "enforce" such policies, is "mere" core political speech. This provision's qualifying language accentuates the overlap between "official" and "individual" speech that the state erroneously attempts to deny. As the plaintiffs point out, under the state's rationale, a local sheriff may violate SB4 by answering questions at a local town hall meeting or press conference or testifying to a legislative committee. [18]

[17] In sum, we are unpersuaded that, taken in context, "endorse" "readily" bears the restrictive meaning urged by the state. As written, SB4 proscribes core political speech when such "endorsement" is uttered by elected officials. The state cannot regulate the substance of elected officials' speech under the First Amendment without passing the strict scrutiny test. *See Williams–Yulee v. The Fla. Bar*, —— U.S. ——, 135 S.Ct. 1656, 1665–66, 191 L.Ed.2d 570 (2015). The state concedes that if "endorse" bears its most common and natural meaning, this provision does not pass constitutional muster as applied to elected officials. In light of the infringement of this provision on elected officials' core political speech, the state's concession necessarily applies to the elements required for injunctive relief. *See, e.g.*, *Elrod v. Burns*, 427 U.S. 347, 373, 96 S.Ct. 2673, 2690, 49 L.Ed.2d 547 (1976) ("The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."); *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295–97 (5th Cir. 2012).

[18] This conclusion does not, however, insulate non-elected officials and employees, who may well be obliged to follow the dictates of SB4 as "government speech." *See* ***185** *Garcetti v. Ceballos*, 547 U.S. 410, 421, 126 S.Ct. 1951, 1960, 164 L.Ed.2d 689 (2006) ("We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline"). In the context of *government* speech, a state may endorse a specific viewpoint and require government agents to do the same. *See, e.g.*, *Walker v. Tex. Div., Sons of Confederate Veterans, Inc.*, —— U.S. ——, 135 S.Ct. 2239, 2253, 192 L.Ed.2d 274 (2015) (rejecting viewpoint

discrimination claim after finding that the specialty license plates at issue constituted government speech).

Such issues are not properly before us because the appellees do not represent the public employees putatively covered by *Garcetti* and the government speech doctrine. The Supreme Court has directed that "the lawfulness of the particular application of the law should ordinarily be decided first" before mounting "gratuitous wholesale attacks" under the overbreadth doctrine. *See Bd. of Trustees of State Univ. of N.Y. v. Fox*, 492 U.S. 469, 485, 109 S.Ct. 3028, 3037, 106 L.Ed.2d 388 (1989). Accordingly, we "resist the pulls to decide the constitutional issues involved in this case on a broader basis than the record before us imperatively requires." *Serafine v. Branaman*, 810 F.3d 354, 363 (5th Cir. 2016) (quoting *Street v. New York*, 394 U.S. 576, 581, 89 S.Ct. 1354, 1360, 22 L.Ed.2d 572 (1969)).

Consistently with but more narrowly than the district court, we affirm the district court's injunction against enforcement of Section 752.053(a)(1) only as it prohibits elected officials from "endors[ing] a policy under which the entity or department prohibits or materially limits the enforcement of immigration laws."

III. The ICE–Detainer Mandate

[19] Article 2.251(a) provides that law enforcement agencies "that ha[ve] custody of a person subject to an immigration detainer request ... shall: (1) comply with, honor, and fulfill any request made in the detainer request ... and (2) inform the person that the person is being held pursuant to" that request. Tex. Code Crim. Proc. art. 2.251(a)(1)-(2). Law enforcement agencies are exempt from the duty imposed by subsection (a) when the individual in custody "has provided proof that the person is a citizen of the United States or that the person has lawful immigration status in the United States, such as a Texas driver's license or similar government-issued identification." *Id.* art. 2.251(b). The district court held that the ICE-detainer mandate violates the Fourth Amendment because it is not reasonable for local officials to detain persons based on probable cause of removability.

[20] **[21]** Before reviewing the merits of this issue, we are obliged to address the threshold question whether the plaintiffs have standing to challenge the ICE-detainer mandate. Standing in federal court requires that the plaintiffs "(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." *Spokeo, Inc. v. Robins*, —— U.S. ——, 136 S.Ct. 1540, 1547, 194 L.Ed.2d 635 (2016) (citing *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61, 112 S.Ct. 2130, 2136, 119 L.Ed.2d 351 (1992)). The plaintiffs contend that they satisfy these requirements because the ICE-detainer mandate would force plaintiff local government officials to choose between violating their oaths of office to defend the U.S. Constitution and facing criminal penalties and expulsion from office. We agree. There is no question that the second and third prongs of the standing ***186** analysis are met. The injury claimed by the plaintiffs stems directly from Texas's enactment of the ICE-detainer mandate. Judicial invalidation of the mandate would obviate the plaintiffs' concerns. Accordingly, we need assess only whether the plaintiffs have alleged a sufficient injury.

In *Board of Education v. Allen*, the Supreme Court concluded that school board officials had standing to challenge a state statute requiring school districts to purchase and loan textbooks to students enrolled in parochial schools. 392 U.S. 236, 241 n.5, 88 S.Ct. 1923, 1925, 20 L.Ed.2d 1060 (1968). The Court explained, "[b]elieving [state law] to be unconstitutional, [the plaintiffs] are in the position of having to choose between violating their oath and taking a step—refusal to comply with [state law]—that would be likely to bring their expulsion from office and also a reduction in state funds for their school districts." *Id.* This court's decisions applying *Allen* have explained that it is not enough for public officials to assert as an "injury" the violation of their oaths of office where no adverse consequences would occur. *See, e.g.*, *Finch v. Miss. State Med. Ass'n*, 585 F.2d 765, 774–75 (5th Cir. 1978) (observing that the plaintiff Governor was "certainly in no danger of expulsion [from office] at the hands of the defendant professional associations" and that "there is no allegation that his office is in any danger of a loss of funds ... if the Governor refuses to comply with the statute"); *Donelon v. La. Div. of Admin. Law*, 522 F.3d 564, 567 (5th Cir. 2008) (denying standing for Louisiana Commissioner of Insurance); *Crane v. Johnson*, 783 F.3d 244, 253 (5th Cir. 2015) ("Under the Fifth Circuit precedent, [ICE agents'] violation of [ ] oath alone is an insufficient injury to support standing.").

In this case, plaintiff government officials have a claim to standing analogous to the school board members in *Allen*. The plaintiff government officials face criminal penalties in addition to civil fines and expulsion from office if they disobey the ICE-detainer mandate. And if they comply with the allegedly unconstitutional mandate, the violation of their oaths is not the only putative injury; any ICE-detainer mandate enforcement actions that knowingly violate detainees' Fourth Amendment rights could expose the plaintiffs to damage suits. [19] The plaintiff government officials have a sufficient "personal stake" to press their claim based on alleged violation of their oaths and potentially severe personal consequences, and we may proceed to the merits. *See Donelon*, 522 F.3d at 568.

[22] [23] The Fourth Amendment protects individuals "against unreasonable searches and seizures." U.S. Const. amend. IV. [20] A constitutional seizure of a criminal ***187** defendant must generally be supported by probable cause. Nevertheless, this case does not involve whether probable cause existed in a particular instance: it is a pre-enforcement facial challenge. Such a challenge is "the most difficult ... to mount successfully." *United States v. Salerno*, 481 U.S. 739, 745, 107 S.Ct. 2095, 2100, 95 L.Ed.2d 697 (1987). Bringing a facial challenge, it is not enough for the plaintiffs to demonstrate that the ICE-detainer mandate will often cause Fourth Amendment violations. They must establish that the mandate "is unconstitutional in all of its applications." *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 449, 128 S.Ct. 1184, 1190, 170 L.Ed.2d 151 (2008).

[24] The plaintiffs suggest that the Supreme Court's recent decision in *City of Los Angeles v. Patel*, has lowered the bar for facial Fourth Amendment challenges, but they misconstrue the case. —— U.S. ——, 135 S.Ct. 2443, 192 L.Ed.2d 435 (2015). *Patel* rejected the contention that facial Fourth Amendment challenges are "categorically barred or especially disfavored." *Id.* at 2449. The Court did not overrule the *Salerno* standard but merely clarified that, under the unconstitutional-in-all-of-its-applications analysis, a court must "consider[ ] only applications of the [challenged] statute in which it *actually authorizes or prohibits conduct*." *Id.* at 2451 (emphasis added). In other words, a facial challenge does not fail merely because exigent circumstances or a warrant could independently justify some applications of the challenged statute. *Id.* Thus, the plaintiffs must establish that every seizure authorized by the ICE-detainer mandate violates the Fourth Amendment. They have not satisfied this exacting standard.

[25] It is undisputed that *federal* immigration officers may seize aliens based on an administrative warrant attesting to probable cause of removability. *Abel v. United States*, 362 U.S. 217, 233–34, 80 S.Ct. 683, 694, 4 L.Ed.2d 668 (1960). It is also evident that current ICE policy requires the Form I-247A to be accompanied by one of two such administrative warrants. On the form, an ICE officer certifies that probable cause of removability exists. Thus, an ICE-detainer request evidences probable cause of removability in every instance. [21]

[26] [27] Under the collective-knowledge doctrine, moreover, the ICE officer's knowledge may be imputed to local officials even when those officials are unaware of the specific facts that establish probable cause of removability. *See United States v. Zuniga*, 860 F.3d 276, 283 (5th Cir. 2017) ("Under the collective knowledge doctrine, an officer initiating the stop or conducting the search need not have personal knowledge of the evidence that gave rise to the reasonable suspicion or probable cause, so long as he is acting at the request of those who have the necessary information."). Compliance with an ICE detainer thus constitutes a paradigmatic instance of the collective-knowledge doctrine, where the detainer request itself provides the required "communication between the arresting ***188** officer and an officer who has knowledge of all the necessary facts." *United States v. Ibarra*, 493 F.3d 526, 530 (5th Cir. 2007).

[28] [29] Nevertheless, the plaintiffs make several arguments why this cooperation constitutes a *per se* violation of the Fourth Amendment. First, they defend the district court's holding that state and local officers may only arrest individuals if there is probable cause of *criminality*. The district court erred. Courts have upheld many statutes that allow seizures absent probable cause that a crime has been committed. *See Cantrell v. City of Murphy*, 666 F.3d 911, 923 (5th Cir. 2012) (state statute authorizing seizure of mentally ill); *Maag v. Wessler*, 960 F.2d 773, 775–76 (9th Cir. 1991) (state statute authorizing seizure of those seriously ill and in danger of hurting themselves); *Commonwealth v. O'Connor*, 406 Mass. 112, 546 N.E.2d 336, 341 (1989) (state statute authorizing seizure of incapacitated persons); *In re Marrhonda G.*, 81 N.Y.2d 942, 597 N.Y.S.2d 662, 613 N.E.2d 568, 569 (1993) (state statute authorizing seizure of juvenile

runaways). The district court's contention is also patently at odds with immigration law and procedure; civil removal proceedings necessarily contemplate detention absent proof of criminality. *See, e.g, Demore v. Kim*, 538 U.S. 510, 531, 123 S.Ct. 1708, 1721–22, 155 L.Ed.2d 724 (2003) (upholding no-bail civil immigration detention under a Fifth Amendment Due Process challenge). [22]

The plaintiffs also argue that there is no state law authorizing local officers to conduct seizures based on probable cause of removability. They cite *Lunn v. Commonwealth*, in which the Supreme Judicial Court of Massachusetts held that state officers had no state-law authority to carry out detention requests made in civil immigration detainers. 477 Mass. 517, 78 N.E.3d 1143, 1158–60 (2017). *Lunn* is easily distinguishable. Here the ICE-detainer mandate itself authorizes and requires state officers to carry out federal detention requests.

The plaintiffs next contend that the Fourth Amendment requirement is not satisfied when officers must unthinkingly accept an agency's conclusions without taking into account facts tending to dissipate probable cause. Subsection (b) of article 2.251 allegedly fails to cure this defect because it forces local officers to make removal-status determinations, running afoul of *Arizona* and *Farmers Branch*. This argument proves too much. Implicitly, the plaintiffs' argument would invalidate any compliance with ICE detainers: officers *must* make their own removal-status determinations to satisfy the Fourth Amendment but officers *cannot* make such determinations under *Arizona* and *Farmers Branch*.

The plaintiffs' argument misconstrues the relevant precedents. Neither *Arizona* nor *Farmers Branch* undermines subsection (b). *Arizona* denied state officers the power to unilaterally make removability determinations because "[a] decision on removability requires a determination whether it is appropriate to allow a foreign national to continue living in the United States" and such decisions "touch on foreign relations and must be made with one voice." *Arizona*, 567 U.S. at 409, 132 S.Ct. at 2506–07. Likewise, *Farmers Branch* invalidated an ordinance requiring building inspectors to conduct their own "unlawful ***189** presence" inquiries. 726 F.3d at 532. Both cases involved unilateral status-determinations *absent federal direction*. But subsection (b) operates only when there is already federal direction—namely, an ICE-detainer request—and the subsection merely limits the scope of the officer's duty to comply with that request. It remains the ICE agent who makes the underlying removability determination. [23]

The plaintiffs are also wrong to suggest that the ICE-detainer mandate requires officers to ignore facts that negate probable cause. Subsection (b) should cover the majority of cases where facts negate probable cause: indeed, it is difficult to imagine what facts other than valid forms of identification would *conclusively* negate ICE's probable cause determination. [24] Assuming *arguendo* that there could be such facts, Texas and the United States as *amicus* dispute that local officers would be required to ignore them. They argue that the verbs "[c]omply with, honor, and fulfill" require cooperation —not blind obedience. This seems reasonable given the assumption that ICE should have no interest in detaining aliens when local officials communicate that the original determination was flawed. Nevertheless, even if the mandate could hypothetically cause a violation, this possibility is not enough to substantiate a facial challenge.

Likewise, none of the cases the plaintiffs cite indicates that the detainer mandate is facially invalid. In *Santos v. Frederick County Board of Commissioners*, the Fourth Circuit held that, "absent express direction or authorization by federal statute or federal officials, state and local law enforcement officers may not detain or arrest an individual solely based on known or suspected civil violations of federal immigration law." 725 F.3d 451, 465 (4th Cir. 2013). Thus, the seizure in *Santos* violated the Fourth Amendment because the officers detained Santos "before dispatch confirmed with ICE that the warrant was active." *Id.* at 466. Similarly, in *Melendres v. Arpaio*, the Ninth Circuit rejected unilateral detention "based solely on reasonable suspicion or knowledge that a person was unlawfully present in the United States." 695 F.3d 990, 1000 (9th Cir. 2012). As in *Santos*, there was no federal request for assistance before the seizure. *Id.* Therefore, these decisions do not affect the ICE-detainer mandate, which always requires a predicate federal request before local officers may detain aliens for the additional 48 hours. The validity of this sort of compliance has been affirmed by at least one circuit. *See United States v. Ovando–Garzo*, 752 F.3d 1161, 1164 (8th Cir. 2014) (finding the claim that a state officer could not detain an alien on behalf of federal officers "meritless").

Last, the plaintiffs argue that the mandate is facially invalid because it does not expressly require a probable cause determination. ICE policy may change, the plaintiffs argue. If that happens, compliance with subsequent detainer requests may violate the Fourth Amendment. In our view, this argument—that ICE policy may change—confirms that facial relief is inappropriate. It is true that ICE might change its policy such that compliance with ***190** ICE's requests would violate the Fourth Amendment. It is also true that, under the current scheme, seizures may occur where probable cause was lacking. But this is no basis for facial relief under *Salerno* and *Patel*. If ICE policy changes or if violations occur, the proper mechanism is an as-applied, not a facial challenge.

IV. "Materially Limits"

[30] **[31]** Section 752.053(a)(1)-(2) forbids any "policy" or "pattern or practice" that "prohibits or materially limits" the enforcement of the immigration laws. *See* Tex. Gov't Code § 752.053(a)(1)-(2). The plaintiffs contend that the phrase "materially limits" is unconstitutionally vague on its face. A statutory provision is facially vague when it is plagued with such "hopeless indeterminacy" that it precludes "fair notice of the conduct it punishes." *Johnson v. United States*, —— U.S. ——, 135 S.Ct. 2551, 2556–58, 192 L.Ed.2d 569 (2015). A facially vague provision is "so standardless that it invites arbitrary enforcement." *See id.* at 2556; *Coates v. City of Cincinnati*, 402 U.S. 611, 616, 91 S.Ct. 1686, 1689, 29 L.Ed.2d 214 (1971) (finding an ordinance facially vague because it proscribed "annoying" conduct). The plaintiffs have not established that "materially limits" is facially vague under this exacting standard.

Although the plaintiffs argue that context exacerbates the vagueness of "materially limits," the opposite is true. The status-inquiry, information-sharing, and assistance-cooperation provisions of Section 752.053(b)(1)-(3) provide specific examples of what conduct local entities cannot limit. Thus, if a policy expressly limits one of these activities, then the question for a court is whether such a limitation is "material." The inclusion of this qualifier makes the challenged phrase more definite, not less, and materiality standards are routine in the law. *See, e.g.*, Fed. R. Evid. 807(a)(2). Materiality is a familiar component of fraud claims, and the full phrase "materially limit" appears in federal securities law, 15 U.S.C. § 77d-1(b)(1)(H)(i), and in the ABA model rules of professional conduct. Model R. of Prof'l. Conduct 1.7(a)(2), 1.10(a)(1). Materiality is not a vague concept, especially to actors subject to these provisions who are law enforcement or government officers.

The plaintiffs contend that Texas cannot specify any applications of the "materially limits" provision that are not flat prohibitions—and thus already covered by the word "prohibits." We disagree. Texas identifies the Maverick County Sheriff's Office policy of refusing to "participate or cooperate in the arrests of individuals for civil immigration violations." This policy does not actually flatly prohibit cooperation; it limits the circumstances in which cooperation is permissible: criminal but not civil violations. Texas also cites El Cenizo's Mayor, who contended that the city's policy "limits the situations in which [city] ... officials engage in immigration enforcement or collect and disseminate such information." This, too, seems like a policy best characterized as *limiting* and not *prohibiting* the enforcement of immigration laws. Almost any limitation could be recharacterized as a partial prohibition. That is likely why SB4 includes both terms. Otherwise, supporters of the policies just described could argue that their policies *limited* but did not actually *prohibit* immigration enforcement. Thus, the putative redundancy between "prohibits" and "materially limits" likely reflects "a sense of belt-and-suspenders caution" on the part of the legislature. *King v. Burwell*, —— U.S. ——, 135 S.Ct. 2480, 2498, 192 L.Ed.2d 483 (2015) (Scalia, J., dissenting). It is no reason to facially invalidate the phrase.

***191** Texas also proposes several narrowing constructions. First, Texas suggests that a material limit must concern "the enforcement of immigration laws" and so policies relating to "general matters like overtime and patrolling locations" would not be covered. Under this limitation, Texas argues, SB4 will "not prohibit immigration-neutral local policies regarding bona fide resource allocation." Second, Texas states that a "policy cannot 'materially limit' immigration-law enforcement if it prohibits actions that the locality already lacks the power to lawfully perform."

[32] These limitations are reasonable. But the nature of the plaintiffs' lawsuit—a facial, pre-enforcement challenge—makes us unwilling to adopt limiting constructions that are not strictly necessary to preserve the constitutionality of a statute. In general, as-applied challenges brought in post-enforcement proceedings are "the basic building

blocks of constitutional adjudication." *See Gonzales v. Carhart*, 550 U.S. 124, 168, 127 S.Ct. 1610, 1639, 167 L.Ed.2d 480 (2007) (citations omitted). Here, it is helpful to consider the many years and judicial decisions leading to the Supreme Court's invalidation of the residual clause in *Johnson*: "Nine years' experience trying to derive meaning from the residual clause convinces us that we have embarked upon a failed enterprise." *Johnson*, 135 S.Ct. at 2560. In contrast to the extreme circumstances in *Johnson*, the posture of this case calls for judicial restraint. *See, e.g., Wash. State Grange*, 552 U.S. at 450–51, 128 S.Ct. at 1191 (recognizing that pre-enforcement facial challenges are "disfavored" because they "often rest on speculation" and "threaten to short circuit the democratic process by preventing laws embodying the will of the people from being implemented in a manner consistent with the Constitution"). For these reasons, we conclude that the "materially limits" phrase is not facially void for vagueness.

V. Commandeering Challenge

The plaintiffs raise an argument on appeal that was not presented to the district court. They begin by pointing out that the Tenth Amendment prevents the Federal Government from forcing local governments to enforce federal immigration laws. Then they state that the preemption doctrine prevents Texas from passing direct immigration-enforcement regulation. From these premises, the plaintiffs argue that, under the Texas Constitution, the state cannot preempt cities' home-rule authority without passing the sort of direct immigration regulation that would be preempted by federal law.

[33] [34] [35] This argument is waived because it was not adequately raised below. *Keelan v. Majesco Software, Inc.*, 407 F.3d 332, 339–40 (5th Cir. 2005). Even if it were not waived, this argument merely recasts a state-law home-rule-city argument as a hybrid Tenth Amendment and preemption claim. The plaintiffs' briefing indicates that this argument stems from questions asked during oral argument on Texas's motion to stay. The flaw in the argument is that Texas law is clear: "The Texas Constitution prohibits a city from acting in a manner inconsistent with the general laws of the state. Thus, the legislature may, by general law, withdraw a particular subject from a home rule city's domain." *Tyra v. City of Houston*, 822 S.W.2d 626, 628 (Tex. 1991) (citations omitted). For better or for worse, Texas can "commandeer" its municipalities in this way.

CONCLUSION

The plaintiffs have not made a showing that they are likely to succeed on the merits of any of their constitutional claims except as to the enforcement of ***192** Tex. Gov't Code § 752.053(a)(1)'s "endorse" provision against elected officials. The foregoing discussion demonstrates there is no merit in their remaining arguments, and none of the other challenged provisions of SB4 facially violate the Constitution. Accordingly, we **AFFIRM** in part the district court's preliminary injunction, **VACATE** in large part and remand with instructions to **DISMISS** the vacated injunction provisions.

All Citations

890 F.3d 164

Footnotes

1 Judge Edward Prado, a member of the original panel in this case, retired from the Court on April 2, 2018, and therefore did not participate in this decision. This matter is decided by a quorum. 28 U.S.C. § 46(d).

2 For convenience, these three provisions will be referred to as the "status-inquiry," "information-sharing," and "assistance-cooperation" provisions.

3 *See* U.S. Immigration and Customs Enforcement, Policy No. 10074.2: Issuance of Immigration Detainers by ICE Immigration Officers (Mar. 24, 2017), available at https://perma.cc/T6FJ-FXL3.

4 *See* U.S. Department of Homeland Security, Immigration Detainer—Notice of Action, DHS Form I-247A (3/17), available at https://perma.cc/RH4C-5D8Q.

5 The term "287(g)" refers to the section of the Immigration and Nationality Act that authorized these agreements. *Lunn v. Commonwealth*, 477 Mass. 517, 78 N.E.3d 1143, 1158 (2017).

6 For instance, the Maverick County Sheriff's Office has a policy under which it does "not participate or cooperate in the arrests of individuals for civil immigration violations."

7 We also note that this provision does not require cooperation unless it is "reasonable or necessary." Tex. Gov't Code § 752.053(b)(3). Thus, as Texas acknowledges, this provision does not generally preclude immigration-neutral policies regarding bona fide resource allocation—e.g., policies regarding overtime or patrolling locations.

8 DHS guidance confirms our interpretation of "otherwise": "[1357(g)(10)(A)] must be read in light of subparagraph 1357(g)(10)(B), which immediately follows and provides for state and local officers to '*otherwise* cooperate' with the Secretary, without a written agreement. Because the INA thus deems communications referred to in subparagraph (A) to be another form of 'cooperation' ...." DHS, Guidance on State and Local Governments' Assistance in Immigration Enforcement and Related Matters (emphasis in original), available at https://www.dhs.gov/sites/default/files/publications/guidance-state-localassistance-immigration-enforcement.pdf.

9 *See id.*

10 Indeed, DHS guidance also negates the plaintiffs' argument that SB4 goes beyond Section 1357(g)(10)(B)'s savings clause by allowing for "assistance" as well as "cooperation." In describing the conduct allowed under the savings clause, the DHS guidance uses a form of the word "assist" 40 times. *See id.*

11 Because the assistance-cooperation provision does not conflict with federal law, neither do the penalties attached to it. When a state is allowed to substantively regulate conduct, it must be able to impose reasonable penalties to enforce those regulations. *See, e.g., Whiting*, 563 U.S. at 605–07, 131 S.Ct. at 1984–85 (rejecting the dissent's reliance on the penalties attached to the valid regulation).

12 The plaintiffs also rely on the fact that the Supreme Court merely held that Arizona's status-inquiry provision was not susceptible to a facial challenge. But, of course, this case also involves a facial challenge.

13 The plaintiffs also challenge subsections (a)(1) and (a)(2), which broadly forbid any "policy" or "pattern or practice" that "prohibits or materially limits the enforcement of immigration laws." They argue that these subsections may authorize conduct that is impermissible under the federal savings clause, 8 U.S.C. § 1357(g)(10)(B), even if subsections (b)(1)-(3) do not. We decline to infer a conflict based solely on speculation. *See Arizona*, 567 U.S. at 415, 132 S.Ct. at 2510.

14 *See* The Oxford English Dictionary (online ed. 2017), available at http://www.oed.com/view/Entry/61987?rskey=smXJfK&result=2&isAdvanced=false#eid.

15 *See* The American Heritage Dictionary of the English Language (online ed. 2017) (defining "endorse" as "[t]o express approval of ... especially by public statement"), available at https://ahdictionary.com/word/search.html?q=endorse; Webster's New World College Dictionary (online ed. 2017) (offering "to give approval to; support" as possible definitions of endorse), available at http://www.yourdictionary.com/endorse.

16 *See* The Oxford English Dictionary (online ed. 2017) (defining the figurative sense of "endorse" as "[t]o confirm, sanction"), available at http://www.oed.com/view/Entry/61987?rskey=smXJfK&result=2&isAdvanced=false#eid; The American Heritage Dictionary of the English Language (online ed. 2017) (listing "sanction" as a secondary meaning of "endorse"), available at https://ahdictionary.com/word/search.html?q=endorse; Webster's New World College Dictionary (online ed. 2017) (same), available at http://www.yourdictionary.com/endorse.

17 *See* The American Heritage Dictionary (online ed. 2017) (defining "sanction" as "[t]o give official authorization or approval to"), available at https://ahdictionary.com/word/search.html?q=sanction; The Oxford English Dictionary (online ed. 2017) (defining "sanction" as "[t]o ratify or confirm by sanction or solemn enactment; to invest with legal or sovereign authority; to make valid or binding"), available at http://www.oed.com/view/Entry/170491?rskey=VpyOmv&result=2&isAdvanced=false#eid.

18 The plaintiffs are incorrect that related provisions of SB4 bear on the First Amendment argument. Exemptions from SB4 when an officer works off-duty for an exempt entity like a charter school, *see, e.g.*, Tex. Gov't Code § 752.052, simply determine whether SB4 applies at all, not what speech it covers. Nor is it significant that "a statement by [a] public officer" may constitute evidence that an entity has violated SB4. *See id.* § 752.0565(b). It is unremarkable that "statements" could be probative of a local entity's policy or pattern or practice of limiting immigration enforcement.

19 It is true that SB4 provides the possibility of indemnification for certain civil lawsuits arising from good-faith compliance with the ICE-detainer mandate. *See* Tex. Gov't Code § 402.0241. But this possibility is cold comfort for the plaintiffs when the statute leaves it to Texas to determine whether an entity has engaged in "good-faith compliance" warranting indemnification. *See id.* § 402.0241(b)(2).

20 We pretermit the question whether the Fourth Amendment even applies to many aliens subject to ICE-detainer requests. *See Castro v. Cabrera*, 742 F.3d 595, 600 (5th Cir. 2014) (holding that the "entry fiction" applies to preclude illegal aliens' Fourth Amendment detention claims); *United States v. Portillo*–Munoz, 643 F.3d 437, 440 (5th Cir. 2011) (noting that

the Supreme Court has never "held that the Fourth Amendment extends to a native and citizen of another nation who entered and remained in the United States illegally"); *but see Martinez–Aguero v. Gonzalez*, 459 F.3d 618, 624–25 (5th Cir. 2006) (holding that an alien with substantial connections to the United States "may bring a *Bivens* claim for unlawful arrest and the excessive use of force under the Fourth Amendment").

21 The plaintiffs' suggestion that "an ICE agent may indicate simply that DHS intends to assume custody of the detainee to 'make an admissibility determination' " misrepresents Form I-247A. The box they mention applies only when DHS has transferred an alien to the local authority's custody for a proceeding or investigation and thus "intends to resume custody of the alien to complete processing and/or make an admissibility determination." *See* ICE Form I-247A, available at https://perma.cc/RH4C-5D8Q.

22 For these reasons, we also disavow any district court decisions that have suggested the Fourth Amendment requires probable cause of criminality in the immigration context. *See Mercado v. Dallas Cty.*, 229 F.Supp.3d 501, 512–13 (N.D. Tex. 2017); *Santoyo v. United States*, No. 5:16-CV-855-OLG, 2017 WL 2896021 (W.D. Tex. June 5, 2017).

23 Because we refuse to interpret subsection (b) as authorizing unilateral removability determinations, we also reject the plaintiffs' argument that the ICE-detainer mandate is conflict preempted. In doing so, we note that Section 1357(g)(10)(B) expressly mentions cooperation in "identification" and "detention."

24 It is important to remember that an adult alien commits a federal crime if he fails to "at all times carry with him and have in his personal possession any certificate of alien registration or alien registration receipt card" evidencing his lawful status. 8 U.S.C. § 1304(e).

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Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)

The Harris County Sheriff's Office ("HCSO") does not have a policy prohibiting or limiting whether, when, or how employees may communicate with DHS or ICE. HCSO Patrol Policy No. 515 contemplates the receipt of requests for assistance from ICE and other federal, state and local agencies. In an effort to expedite such requests, Patrol Policy No. 515 provides that requests for assistance from within or outside of the HCSO shall be directed through the Crime Control Supervisor. See HCSO Patrol Policy No. 515(III)(D) ("Crime Control Division") at p. 2. Requests for assistance from "outside" the Sheriff's Office expressly include requests from ICE, among several other federal, state and local agencies.

HCSO Department policy requires HCSO law enforcement officers to obey and enforce all local, state and federal laws. See e.g., HCSO Dept. Policy Nos. 102 ("Code of Ethics"), 104 ("Constitutional Authority") & 107 ("Rank Structure of Sheriff's Office Personnel") at p. 3 ("Deputy"). HCSO deputies must affirm by oath that they will uphold the Constitution of the United States of America and laws of the State of Texas. See e.g., HCSO Dept. Policy No. 105 ("Definitions") at p. 3 ("Deputy").

HCSO deputies are subject to the laws of the State of Texas. Article 2.251(a) of the Texas Code of Criminal Procedure ("Duties Related to Immigration Detainer Requests") provides that "[a] law enforcement agency that has custody of a person subject to an immigration detainer request issued by United States Immigration and Customs Enforcement shall: (1) comply with, honor, and fulfill any request made in the detainer request provided by the federal government; and (2) inform the person that the person is being held pursuant to an immigration detainer request issued by United States Immigration and Customs Enforcement." Thus, as codified at Texas Code of Criminal Procedure article 2.251, SB4's ICE-detainer mandate requires law-enforcement agencies to comply with detainer requests submitted by ICE. City of El Cenizo, Texas v. Texas, 890 F.3d 164, 174 (5th Cir. 2018). An ICE detainer "is a written request to state or local officials, asking them (1) to notify the Department of Homeland Security ("DHS") as soon as practicable before an alien is released and (2) to maintain custody of the alien for up to 48 hours beyond the preexisting release date so that DHS may assume custody." City of El Cenizo, Texas v. Texas, 890 F.3d 164, 174 (5th Cir. 2018) (citing U.S. Immigration and Customs Enforcement, Policy No. 10074.2: Issuance of Immigration Detainers by ICE Immigration Officers (Mar. 24, 2017), available at https://perma.cc/T6FJ-FXL3). Article 2.251 requires compliance with any detainer request and includes no 48 hour limitation re compliance.

Texas law clearly complies with 8 U.S.C. § 1373 ("Communication between government agencies and the Immigration and Naturalization Service"), which provides, among other things, that federal, state and local government entities and officials may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the INS information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

U.S. DEPARTMENT OF JUSTICE

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice ("Department") determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by 31 U.S.C. § 1352, as implemented by 28 C.F.R. Part 69, the Applicant certifies and assures (to the extent applicable) the following:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If the Applicant's request for Federal funds is in excess of $100,000, and any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal grant or cooperative agreement, the Applicant shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities" in accordance with its (and any DOJ awarding agency's) instructions; and

(c) The Applicant shall require that the language of this certification be included in the award documents for all subgrants and procurement contracts (and their subcontracts) funded with Federal award funds and shall ensure that any certifications or lobbying disclosures required of recipients of such subgrants and procurement contracts (or their subcontractors) are made and filed in accordance with 31 U.S.C. § 1352.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

A. Pursuant to Department regulations on nonprocurement debarment and suspension implemented at 2 C.F.R. Part 2867, and to other related requirements, the Applicant certifies, with respect to prospective participants in a primary tier "covered transaction", as defined at 2 C.F.R. § 2867.20(a), that neither it nor any of its principals--

(a) is presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) has within a three-year period preceding this application been convicted of a felony criminal violation under any Federal law, or been convicted or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, tribal, or local) transaction or private agreement or transaction;

(c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, tribal, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and/or

(d) has within a three-year period preceding this application had one or more public transactions (Federal, State, tribal, or local) terminated for cause or default.

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application. Where the Applicant or any of its principals was convicted, within a three-year period preceding this application, of a felony criminal violation under any Federal law, the Applicant also must disclose such felony criminal conviction in writing to the Department (for OJP Applicants, to OJP at Ojpcompliancereporting@usdoj.gov; for OVW Applicants, to OVW at OVW.GFMD@usdoj.gov; or for COPS Applicants, to COPS at AskCOPSRC@usdoj.gov), unless such disclosure has already been made.

3. FEDERAL TAXES

A. If the Applicant is a corporation, it certifies either that (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to the Department (for OJP Applicants, to OJP at Ojpcompliancereporting@usdoj.gov; for OVW Applicants, to OVW at OVW.GFMD@usdoj.gov; or for COPS Applicants, to COPS at AskCOPSRC@usdoj.gov).

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application.

4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, as implemented at 28 C.F.R. Part 83, Subpart F, for grantees, as defined at 28 C.F.R. §§ 83.620 and 83.650:

A. The Applicant certifies and assures that it will, or will continue to, provide a drug-free workplace by--

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the award be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will--

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of the employee's conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the Department, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of any such convicted employee to the Department, as follows:

For COPS award recipients - COPS Office, 145 N Street, NE, Washington, DC, 20530;

For OJP and OVW award recipients - U.S. Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531.

Notice shall include the identification number(s) of each affected award;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

5. COORDINATION REQUIRED UNDER PUBLIC SAFETY AND COMMUNITY POLICING PROGRAMS

As required by the Public Safety Partnership and Community Policing Act of 1994, at 34 U.S.C. § 10382 (c)(5), if this application is for a COPS award, the Applicant certifies that there has been appropriate coordination with all agencies that may be affected by its award. Affected agencies may include, among others, Offices of the United States Attorneys; State, local, or tribal prosecutors; or correctional agencies.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

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OMB APPROVAL
NUMBER 1121-0140

EXPIRES 05/31/2019

U.S. DEPARTMENT OF JUSTICE

CERTIFIED STANDARD ASSURANCES

On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the U.S. Department of Justice ("Department"), that all of the following are true and correct:

(1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any Department decision to make an award to the Applicant based on its application.

(2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.

(3) I assure that, throughout the period of performance for the award (if any) made by the Department based on the application--

a. the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;
b. the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
c. the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.

(4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition--

a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;
c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

(5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination)

the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

(6) I assure that the Applicant will assist the Department as necessary (and will require subrecipients and contractors to assist as necessary) with the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).

(7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by the Department based on the application.

(8) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by the Department based on the application--

a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
b. it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

(9) If the Applicant applies for and receives an award from the Office of Community Oriented Policing Services (COPS Office), I assure that as required by 34 U.S.C. § 10382(c)(11), it will, to the extent practicable and consistent with applicable law--including, but not limited to, the Indian Self- Determination and Education Assistance Act--seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).

(10) If the Applicant applies for and receives a DOJ award under the STOP School Violence Act program, I assure as required by 34 U.S.C. § 10552(a)(3), that it will maintain and report such data, records, and information (programmatic and financial) as DOJ may reasonably require.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department?s awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Close Window

JAG Local: Eligible Allocation Amounts $25,000 or More 2020-H8133-TX-DJ

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APPLICATION FOR FEDERAL ASSISTANCE	**2. DATE SUBMITTED** August 14, 2020	**Applicant Identifier**
1. TYPE OF SUBMISSION Application Non-Construction	**3. DATE RECEIVED BY STATE**	**State Application Identifier**
	4. DATE RECEIVED BY FEDERAL AGENCY	**Federal Identifier**

5.APPLICANT INFORMATION

Legal Name City of Houston	**Organizational Unit** Houston Police Department
Address 1200 Travis Houston, Texas 77002-6001	**Name and telephone number of the person to be contacted on matters involving this application** PETTAWAY, ALICIA (713) 308-1739
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 74-6001164	**7. TYPE OF APPLICANT** Township
8. TYPE OF APPLICATION New	**9. NAME OF FEDERAL AGENCY** Bureau of Justice Assistance
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 16.738 CFDA TITLE: Edward Byrne Memorial Justice Assistance Grant Program	**11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT** FY20 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
12. AREAS AFFECTED BY PROJECT Houston and Harris County	
13. PROPOSED PROJECT Start Date: October 01, 2019 End Date: September 30, 2023	**14. CONGRESSIONAL DISTRICTS OF** a. Applicant b. Project TX18

15. ESTIMATED FUNDING		**16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?**
Federal	$2,229,207	Program has not been selected by state for review
Applicant	$0	
State	$0	
Local	$0	

Other	$0	
Program Income	$0	**17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?**
TOTAL	$2,229,207	N
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

Continue

Budget Detail - Year 1

Does this budget contain conference costs which is defined broadly to include meetings, retreats, seminars, symposia, and training activities? - Y/N (DOJ Financial Guide, Section 3.10)	*No*

A. Personnel

Name *List each name, if known.*	**Position** *List each position, if known.*	**Computation** *Show annual salary rate & amount of time devoted to the project for each name/position.*						
		Salary	***Rate***	***Time Worked*** *(# of hours, days, months, years)*	***Percentage of Time***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
						$0		$0
						$0		$0
						$0		$0
						$0		$0
						$0		$0
						$0		$0
						$0		$0
					Total(s)	**$0**	**$0**	**$0**

Narrative

Purpose Area #4

B. Fringe Benefits					
Name *List each grant-supported position receiving fringe benefits.*	**Computation** *Show the basis for computation.*				
	Base	***Rate***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			$0		$0
			$0		$0
			$0		$0
			$0		$0
			$0		$0
			$0		$0
			$0		$0
		Total(s)	**$0**	**$0**	**$0**

Narrative

C. Travel										
Purpose of Travel *Indicate the purpose of each trip or type of trip (training, advisory group meeting)*	**Location** *Indicate the travel destination.*	**Type of Expense** *Lodging, Meals, Etc.*	**Basis** *Per day, mile, trip, Etc.*	**Computation** *Compute the cost of each type of expense X the number of people traveling.*						
				Cost	***Quantity***	***# of Staff***	***# of Trips***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			N/A					$0		$0
							Total(s)	**$0**	**$0**	**$0**
Narrative										

D. Equipment					
Item *List and describe each item of equipment that will be purchased*	**Computation** *Compute the cost (e.g., the number of each item to be purchased X the cost per item)*				
	# of Items	***Unit Cost***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			$0		$0
		Total(s)	**$0**	**$0**	**$0**
Narrative					

E. Supplies					
Supply Items *Provide a list of the types of items to be purchased with grant funds.*	**Computation** *Describe the item and the compute the costs. Computation: The number of each item to be purchased X the cost per item.*				
	# of Items	***Unit Cost***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			$0		$0
		Total(s)	**$0**	**$0**	**$0**
Narrative					

F. Construction						
Purpose *Provide the purpose of the construction*	**Description of Work** *Describe the construction project(s)*	**Computation** *Compute the costs (e.g., the number of each item to be purchased X the cost per item)*				
		# of Items	***Cost***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
				$0		$0
			Total(s)	**$0**	**$0**	**$0**
Narrative						

G. Subawards (Subgrants)					
Description *Provide a description of the activities to be carried out by subrecipients.*	**Purpose** *Describe the purpose of the subaward (subgrant)*	**Consultant?** *Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.*			
			Total Cost	***Non-Federal Contribution***	***Federal Request***
Harris County Sheriff's Office (HCSO)	Harris County Sheriff's Office will utilize their funding toward personnel, computer software/hardware, equipment, law-related education and officer safety	No	$902,662	$0	$902,662
					$0
					$0
					$0
		Total(s)	**$902,662**	**$0**	**$902,662**

Consultant Travel (if necessary)								
Purpose of Travel *Indicate the purpose of each trip or type of trip (training, advisory group meeting)*	**Location** *Indicate the travel destination.*	**Type of Expense** *Hotel, airfare, per diem*	**Computation** *Compute the cost of each type of expense X the number of people traveling.*					
			Cost	***Duration or Distance***	***# of Staff***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
						$0		$0
					Total	$0	$0	$0
Narrative								

The Harris County Sheriff's Office will provide funding to cover salary and benefit costs of $34,457 for year 1 for one Peer Navigator within the Brothers in Arms program. This program is designed to help prepare inmates to integrate back into the community after incarceration. The overtime for year 1 of $25,000 for deputies within the Canine Unit that are called out to respond to cases outside of their scheduled work hours. The equipment is $278,650 is to purchased the Panasonic Tough Book laptop computers, body worn cameras, and portable AFIS devices. Funds will also be used to purchase two patrol boats and trailers along with life vests and waders to be used to rescue stranded or trapped residents during natural disasters. The $170,575 will provide funding towards the purchase of audiovisual equipment for the Harris County 911 Emergency Dispatch Center. The $37,425 will provide funding to replace crucial network equipment that provides high speed wireless connectivity to various public safety agencies in the Southeast Texas region when deployed for emergency incidents and special security events. Traffic Surveying Equipment - $247,500.00 will provide funding to purchase traffic surveying equipment for the Vehicular Crimes Division. This equipment will be used to produce scale diagrams that can be used for reconstruction of accidents. The Detentions Tactical Gear - $59,055.00 funding towards the replacement of worn tactical gear utilized by the Detention Command Containment Team in the Harris County Jail. IT Technology Enhancements Replacement - $50,000 first year will provide additional equipment to accommodate HCSO's existing and future expansion needs. This equipment will include but not be limited to audiovisual, computers, laptops, scanners, printers, etc., and all other types of necessary peripherals associated with IT equipment. It will also allow for hardware and software upgrades allowing us to further utilize existing equipment.

H. Procurement Contracts

Description	Purpose	Consultant?			
Provide a description of the products or services to be procured by contract and an estimate of the costs. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source procurements in excess of the Simplified Acquisition Threshold (currently $150,000).	*Describe the purpose of the contract*	*Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.*			
			Total Cost	***Non-Federal Contribution***	***Federal Request***
					$0
		Total(s)	**$0**	**$0**	**$0**

Consultant Travel (if necessary)

Purpose of Travel	Location	Type of Expense	Computation					
Indicate the purpose of each trip or type of trip (training, advisory group meeting)	*Indicate the travel destination.*	*Hotel, airfare, per diem*	*Compute the cost of each type of expense X the number of people traveling.*					
			Cost	***Duration or Distance***	***# of Staff***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***

						$0		$0
					Total	$0	$0	$0
Narrative								

I. Other Costs

Description *List and describe items that will be paid with grants funds (e.g. rent, reproduction, telephone, janitorial, or security services, and investigative or confidential funds).*	**Computation** *Show the basis for computation*						
	Quantity	***Basis***	***Cost***	***Length of Time***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
					$0		$0
				Total(s)	**$0**	**$0**	**$0**
Narrative							

J. Indirect Costs					
Description *Describe what the approved rate is and how it is applied.*	**Computation** *Compute the indirect costs for those portions of the program which allow such costs.*				
	Base	***Indirect Cost Rate***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			$0		$0
		Total(s)	**$0**	**$0**	**$0**

Narrative

Budget Detail - Year 2

Does this budget contain conference costs which is defined broadly to include meetings, retreats, seminars, symposia, and training activities? - Y/N (DOJ Financial Guide, Section 3.10)	

A. Personnel

Name	Position	Computation						
List each name, if known.	*List each position, if known.*	*Show annual salary rate & amount of time devoted to the project for each name/position.*						
		Salary	***Rate***	***Time Worked*** *(# of hours, days, months, years)*	***Percentage of Time***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
Financial Analyst IV	Financial Analyst IV	$39.13	hourly	1,560	100%	$61,038		$61,038
Financial Analyst III	Financial Analyst III	$33.15	hourly	2,080	100%	$68,961		$68,961
Programmer Analyst II	Programmer Analyst II	$29.86	yearly	2,080	100%	$62,099		$62,099
Programmer Analyst II	Programmer Analyst II	$29.41	yearly	2,080	100%	$61,166		$61,166
Programmer Analyst III	Programmer Analyst III	$29.41	yearly	2,080	100%	$61,166		$61,166
Programmer Analyst III	Programmer Analyst III	$35.11	yearly	2,080	100%	$73,037		$73,037
Programmer Analyst IV	Programmer Analyst III	$35.14	yearly	2,080	100%	$73,089		$73,089
Systems Support Analyst IV	System Support Analyst IV	$39.69	yearly	2,080	100%	$82,547		$82,547
Law Enforcement Officers	Police Officers, Lieutenant, Sergeant	$57.43	hourly	5,486	100%	$315,056		$315,056
					Total(s)	**$858,159**	**$0**	**$858,159**

Narrative

Purpose Area #4

These eight positions perform critical functions within the Houston Police Department (HPD). The six JAG funded civilians in Information Services provide essential support in implementing and supporting computer systems deployed across the department. Their role is critical to the development and maintenance of Technology that supports all law enforcement personnel. Due to the high level of security and maintenance for law enforcement systems, technology specialists are needed to monitor and maintain servers, desktops, and LAN based applications. These positions help to ensure that the security profile of all systems being converged meet the minimum specifications of the Federal Criminal Justice Information Systems (CJIS) requirements. The JAG funded 2 civilians in the Office of Budget and Finance continues to provide oversight of financial and programmatic activities for the police department. These tasks will benefit the entire police department for provide the needed oversight for the HPD wide federal and state grants administered by the The duties of the Financial Analyst IV are to develop, monitor, analyze and update various financial/management reports for HPD; coordinate and conduct special projects; investigate and make recommendations to management for addressing issues of medium to high complexity and/or sensitivity; participate in the development and improvement of procedures; participate in the evaluation and design of workflow, processes various operations systems; and handles highly confidential information.

B. Fringe Benefits					
Name *List each grant-supported position receiving fringe benefits.*	**Computation** *Show the basis for computation.*				
	Base	***Rate***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
Financial Analyst IV	$61,038.00	7.65%	$4,670		$4,670
Financial Analyst III	$68,962.00	44.68%	$30,813		$30,813
Programmer Analyst II	$62,099.00	78.46%	$48,721		$48,721
Programmer Analyst II	$61,166.00	45.67%	$27,935		$27,935
Programmer Analyst III	$61,166.00	45.67%	$27,935		$27,935
Programmer Analyst III	$73,037.00	44.25%	$32,319		$32,319
Programmer Analyst IV	$73,089.00	72.79%	$53,200		$53,200
Systems Support Analyst IV	$82,547.00	37.38%	$30,852		$30,852
		Total(s)	**$256,445**	**$0**	**$256,445**
Narrative					

All fringe benefit rates are calculated pursuant to the City of Houston's Fringe Benefit Rate Schedule for FY2020. For each of the three employees, the total benefit percentage of 39.046% includes:

1. FICA: 6.2% for Social Security tax and 1.45% for Medicare tax, for a total of 7.65%
2. Civilian pension: 8.32% of salary; Pension Legacy 20.90%.
3. Workers Comp: $12.31 semi-monthly, or $246.20 for the ten months each employee will be employed in the initial grant year.
4. Long-term Disability: $3.53 semi-monthly, or $70.60 for the ten months each employee will be employed in the initial grant year.
5. Health insurance: Though the City of Houston offers a number of health insurance plans, with costs that vary based on the plan selected and the number of dependents, for budget purposes, we have estimated an employee plus spouse on the HMO (the most popular plan), at a rate of $495.50 semimonthly, and $2,153.28 a month for family, each employee will be employed in the initial grant year .
6. Life insurance: $0.02 per $1,000 in annual base salary semi-monthly, or $21.60 for the ten months each employee will be employed in the initial grant year.

C. Travel										
Purpose of Travel *Indicate the purpose of each trip or type of trip (training, advisory group meeting)*	**Location** *Indicate the travel destination.*	**Type of Expense** *Lodging, Meals, Etc.*	**Basis** *Per day, mile, trip, Etc.*	**Computation** *Compute the cost of each type of expense X the number of people traveling.*						
				Cost	***Quantity***	***# of Staff***	***# of Trips***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			N/A					$0		$0
							Total(s)	**$0**	**$0**	**$0**
Narrative										

D. Equipment					
Item *List and describe each item of equipment that will be purchased*	**Computation** *Compute the cost (e.g., the number of each item to be purchased X the cost per item)*				
	# of Items	***Unit Cost***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			$0		$0
		Total(s)	**$0**	**$0**	**$0**
Narrative					

E. Supplies					
Supply Items *Provide a list of the types of items to be purchased with grant funds.*	**Computation** *Describe the item and the compute the costs. Computation: The number of each item to be purchased X the cost per item.*				
	# of Items	***Unit Cost***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			$0		$0
		Total(s)	**$0**	**$0**	**$0**
Narrative					

F. Construction						
Purpose *Provide the purpose of the construction*	**Description of Work** *Describe the construction project(s)*	**Computation** *Compute the costs (e.g., the number of each item to be purchased X the cost per item)*				
		# of Items	***Cost***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
				$0		$0
			Total(s)	**$0**	**$0**	**$0**
Narrative						

G. Subawards (Subgrants)					
Description *Provide a description of the activities to be carried out by subrecipients.*	**Purpose** *Describe the purpose of the subaward (subgrant)*	**Consultant?** *Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.*			
			Total Cost	***Non-Federal Contribution***	***Federal Request***
Harris County Sheriff Office	Harris County Sheriff's Office will utilize their funding toward personnel, computer software/hardware, equipment, law-related education and officer safety	No	$109,458		$109,458
		Total(s)	**$109,458**	**$0**	**$109,458**

Consultant Travel (if necessary)								
Purpose of Travel *Indicate the purpose of each trip or type of trip (training, advisory group meeting)*	**Location** *Indicate the travel destination.*	**Type of Expense** *Hotel, airfare, per diem*	**Computation** *Compute the cost of each type of expense X the number of people traveling.*					
			Cost	***Duration or Distance***	***# of Staff***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
						$0		$0
					Total	$0	$0	$0
Narrative								

The Harris County Sheriff's Office will provide funding to cover salary and benefit costs of $34,458 for year 2 for one Peer Navigator within the Brothers in Arms program. This program is designed to help prepare inmates to integrate back into the community after incarceration. IT Technology Enhancements Replacement - $50,000 second year will provide additional equipment to accommodate HCSO's existing and future expansion needs. This equipment will include but not be limited to audiovisual, computers, laptops, scanners, printers, etc., and all other types of necessary peripherals associated with IT equipment. It will also allow for hardware and software upgrades allowing us to further utilize existing equipment. The Harris County Sheriff's Academy Training– $25,000 second year provide funding to contract with training vendors to travel to the HCSO Academy located in Humble, Texas, to provide specialized training classes to personnel, which would not otherwise be funded. The training would not exceed $650 a day per instructor.

H. Procurement Contracts

Description	Purpose	Consultant?			
Provide a description of the products or services to be procured by contract and an estimate of the costs. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source procurements in excess of the Simplified Acquisition Threshold (currently $150,000).	*Describe the purpose of the contract*	*Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.*			
			Total Cost	***Non-Federal Contribution***	***Federal Request***
					$0
		Total(s)	**$0**	**$0**	**$0**

Consultant Travel (if necessary)

Purpose of Travel	Location	Type of Expense	Computation					
Indicate the purpose of each trip or type of trip (training, advisory group meeting)	*Indicate the travel destination.*	*Hotel, airfare, per diem*	*Compute the cost of each type of expense X the number of people traveling.*					
			Cost	***Duration or Distance***	***# of Staff***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***

						$0		$0
					Total	$0	$0	$0
Narrative								

I. Other Costs

Description *List and describe items that will be paid with grants funds (e.g. rent, reproduction, telephone, janitorial, or security services, and investigative or confidential funds).*	**Computation** *Show the basis for computation*						
	Quantity	***Basis***	***Cost***	***Length of Time***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
					$0		$0
				Total(s)	**$0**	**$0**	**$0**
Narrative							

J. Indirect Costs					
Description *Describe what the approved rate is and how it is applied.*	**Computation** *Compute the indirect costs for those portions of the program which allow such costs.*				
	Base	***Indirect Cost Rate***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			$0		$0
		Total(s)	**$0**	**$0**	**$0**
Narrative					

Budget Detail - Year 3

Does this budget contain conference costs which is defined broadly to include meetings, retreats, seminars, symposia, and training activities? - Y/N (DOJ Financial Guide, Section 3.10)	

A. Personnel

Name	**Position**	**Computation**						
List each name, if known.	*List each position, if known.*	*Show annual salary rate & amount of time devoted to the project for each name/position.*						
		Salary	***Rate***	***Time Worked*** *(# of hours, days, months, years)*	***Percentage of Time***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
						$0		$0
					Total(s)	**$0**	**$0**	**$0**

Narrative

B. Fringe Benefits					
Name *List each grant-supported position receiving fringe benefits.*	**Computation** *Show the basis for computation.*				
	Base	***Rate***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			$0		$0
		Total(s)	**$0**	**$0**	**$0**
Narrative					

C. Travel										
Purpose of Travel *Indicate the purpose of each trip or type of trip (training, advisory group meeting)*	**Location** *Indicate the travel destination.*	**Type of Expense** *Lodging, Meals, Etc.*	**Basis** *Per day, mile, trip, Etc.*	**Computation** *Compute the cost of each type of expense X the number of people traveling.*						
				Cost	***Quantity***	***# of Staff***	***# of Trips***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			N/A					$0		$0
							Total(s)	**$0**	**$0**	**$0**
Narrative										

D. Equipment					
Item *List and describe each item of equipment that will be purchased*	**Computation** *Compute the cost (e.g., the number of each item to be purchased X the cost per item)*				
	# of Items	***Unit Cost***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			$0		$0
		Total(s)	**$0**	**$0**	**$0**
Narrative					

E. Supplies					
Supply Items *Provide a list of the types of items to be purchased with grant funds.*	**Computation** *Describe the item and the compute the costs. Computation: The number of each item to be purchased X the cost per item.*				
	# of Items	***Unit Cost***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			$0		$0
		Total(s)	**$0**	**$0**	**$0**
Narrative					

F. Construction						
Purpose *Provide the purpose of the construction*	**Description of Work** *Describe the construction project(s)*	**Computation** *Compute the costs (e.g., the number of each item to be purchased X the cost per item)*				
		# of Items	***Cost***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
				$0		$0
			Total(s)	**$0**	**$0**	**$0**
Narrative						

G. Subawards (Subgrants)					
Description *Provide a description of the activities to be carried out by subrecipients.*	**Purpose** *Describe the purpose of the subaward (subgrant)*	**Consultant?** *Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.*			
			Total Cost	***Non-Federal Contribution***	***Federal Request***
Harris County Sheriff's Office	Harris County Sheriff's Office will utilize their funding toward personnel, computer software/hardware, equipment, law-related education and officer safety		$102,483		$102,483
		Total(s)	**$102,483**	**$0**	**$102,483**

Consultant Travel (if necessary)								
Purpose of Travel *Indicate the purpose of each trip or type of trip (training, advisory group meeting)*	**Location** *Indicate the travel destination.*	**Type of Expense** *Hotel, airfare, per diem*	**Computation** *Compute the cost of each type of expense X the number of people traveling.*					
			Cost	***Duration or Distance***	***# of Staff***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
						$0		$0
					Total	$0	$0	$0
Narrative								

IT Technology Enhancements Replacement - $77,483 funding the third year of the grant to provide additional equipment to accommodate HCSO's existing and future expansion needs. This equipment will include but not be limited to audiovisual, computers, laptops, scanners, printers, etc., and all other types of necessary peripherals associated with IT equipment. It will also allow for hardware and software upgrades allowing us to further utilize existing equipment. The Harris County Sheriff's Academy Training– $25,000 third year fuding to contract with training vendors to travel to the HCSO Academy located in Humble, Texas, to provide specialized training classes to personnel, which would not otherwise be funded. The training would not exceed $650 a day per instructor.

H. Procurement Contracts

Description	**Purpose**	**Consultant?**			
Provide a description of the products or services to be procured by contract and an estimate of the costs. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source procurements in excess of the Simplified Acquisition Threshold (currently $150,000).	*Describe the purpose of the contract*	*Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.*			
			Total Cost	***Non-Federal Contribution***	***Federal Request***
					$0
		Total(s)	**$0**	**$0**	**$0**

Consultant Travel (if necessary)

Purpose of Travel	**Location**	**Type of Expense**	**Computation**					
Indicate the purpose of each trip or type of trip (training, advisory group meeting)	*Indicate the travel destination.*	*Hotel, airfare, per diem*	*Compute the cost of each type of expense X the number of people traveling.*					
			Cost	***Duration or Distance***	***# of Staff***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***

						$0		$0
					Total	$0	$0	$0
Narrative								

I. Other Costs

Description *List and describe items that will be paid with grants funds (e.g. rent, reproduction, telephone, janitorial, or security services, and investigative or confidential funds).*	**Computation** *Show the basis for computation*						
	Quantity	***Basis***	***Cost***	***Length of Time***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
					$0		$0
				Total(s)	**$0**	**$0**	**$0**
Narrative							

J. Indirect Costs					
Description *Describe what the approved rate is and how it is applied.*	**Computation** *Compute the indirect costs for those portions of the program which allow such costs.*				
	Base	***Indirect Cost Rate***	***Total Cost***	***Non-Federal Contribution***	***Federal Request***
			$0		$0
		Total(s)	**$0**	**$0**	**$0**
Narrative					

Budget Summary

Note: Any errors detected on this page should be fixed on the corresponding Budget Detail tab.

	Year 1		Year 2 (if needed)		Year 3 (if needed)		Year 4 (if needed)		Year 5 (if needed)		
Budget Category	Federal Request	Non-Federal Request	Federal Request	Non-Federal Request	Federal Request	Non-Federal Request	Federal Request	Non-Federal Request	Federal Request	Non-Federal Request	Total(s)
A. Personnel	$0	$0	$858,159	$0	$0	$0	$0	$0	$0	$0	$858,159
B. Fringe Benefits	$0	$0	$256,445	$0	$0	$0	$0	$0	$0	$0	$256,445
C. Travel	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
D. Equipment	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
E. Supplies	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
F. Construction	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
G. Subawards (Subgrants)	$902,662	$0	$109,458	$0	$102,483	$0	$0	$0	$0	$0	$1,114,603
H. Procurement Contracts	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
I. Other	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Total Direct Costs	$902,662	$0	$1,224,062	$0	$102,483	$0	$0	$0	$0	$0	$2,229,207
J. Indirect Costs	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Total Project Costs	$902,662	$0	$1,224,062	$0	$102,483	$0	$0	$0	$0	$0	$2,229,207
Does this budget contain conference costs which is defined broadly to include meetings, retreats, seminars, symposia, and training activities? - Y/N										No	