



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 10, 2026

John Whitmire
Mayor, City of Houston
901 Bagby
Houston, Texas 77002

via email: mayor@houstontx.gov

RE: Violation of Senate Bill 4

Honorable Mayor Whitmire,

Our office is aware of the passage of Proposition 28 by the Houston City Council. Our office has significant concerns about this ordinance's impact on cooperation between the Houston Police Department (HPD) and Immigration and Customs Enforcement (ICE). As you are well aware, SB 4 (2017) prohibits local entities from adopting policies that "prohibit or materially limit" cooperation with ICE. Furthermore, SB 4 requires local law enforcement to honor detainee requests and prohibits restricting officers from cooperating or sharing information with ICE. While Proposition 28 only prohibits HPD from detaining an individual "only as long as reasonably necessary to complete the legitimate purpose of the initial stop or investigation", the practical effect is to discourage HPD officers from holding detainees for any length of time lest their actions be second-guessed. Even more concerning are the reporting requirements of Proposition 28. Requiring officers to report:

- 1) each instance where officers inquired into immigration status, including: the offense or ordinance section if any; the reason for the inquiry; the person's race and ethnicity; the number of officers involved; the officer employee numbers of the inquiring officers; and the general location, such as the ZIP code of the incident.
- 2) each instance where officers contacted federal immigration authorities, including ICE, or responded to requests during a field encounter from such federal immigration authorities, including: the reason for the stop, detention, or arrest; the offense or ordinance section if any; whether an administrative warrant, detainer, or criminal warrant was involved; the start and end times of detention; the officer employee numbers of the inquiring officers; the number of individuals taken into federal immigration custody for alleged civil immigration violations if known; the person's race and ethnicity; the number of officers involved; and the general location, such as the ZIP code of the incident.

Voluminous reporting requirements for officers who are already dealing with high-pressure jobs and numerous other documentation requirements will be instantly disincentivized from

cooperating with ICE lest they create even more work for themselves. Given the considerable chilling effect this ordinance is likely to have on HPD's cooperation with ICE, our office is opening an investigation into the impacts of this ordinance and whether it violates SB 4's prohibition on adopting policies that "prohibit or materially limit" cooperation with ICE. As part of our investigation, under the Texas Public Information Act, we request the following documentation:

- All data used to justify this policy;
- All emails, voice mail messages, text messages, electronic communications, letters, and other documentation related to "confusion" surrounding administrative ICE warrants;
- For the past two fiscal years, all data on interactions between HPD and ICE; and
- For each of the six months following the effective date of this ordinance, all data on interactions between HPD and ICE.

Sincerely,

/s/ Steven Ogle

STEVEN OGLE

Assistant Attorney General

Administrative Law Division

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

Ph: (512) 475-4151

Fax: (512) 320-0167

steven.ogle@oag.texas.gov

cc: Mary Benton (Mary.Benton@houstontx.gov)