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'Sanctuary city' bills catching heat

Police chiefs, sheriffs don't want to shoulder 'federal responsibility'

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AUSTIN — When it comes to immigration, law-and-order Republicans are at odds with a number of those charged with enforcing law and order in local communities.

Police chiefs and sheriffs came to the Texas Capitol Thursday to denounce proposals they said would make communities less safe by tasking them with the additional responsibility of enforcing immigration laws. They said such enforcement is a federal responsibility and should stay that way.

"We depend on the community to work with us to identify crimes in their neighborhood," said San Antonio Police Chief William McManus. "We would not get that kind of collaboration from the community if, all of a sudden, SAPD officers were out there enforcing immigration laws."

'Scapegoating'

Austin Police Chief Art Acevedo said, "This is not a public safety debate ... This has to do with emotion, the economy and scapegoating."

The visit - which also included McAllen Police Chief Victor Rodriguez, Dallas County Sheriff Lupe Valdez and El Paso County Sheriff Richard D. Wiles - came a day after Senate Transportation and Homeland Security Chairman Tommy Williams, R-The Woodlands, and Rep. Burt Solomons, R-Carrollton, filed the latest legislation to prohibit so-called "sanctuary city" policies.

Under their bills, House Bill 12 and Senate Bill 11, local governmental agencies would risk losing state grant money if they adopt policies that prohibit enforcement of state or federal immigration laws. That would include barring a police officer from asking about immigration status.

The law enforcement leaders gathered at the Capitol Thursday said it is important that they be able to set the parameters for their officers.

Clarity sought

The Houston Police Department and [**Harris County Sheriff's Office**](#) were not at the news conference in Austin. But Houston Police Chief [**Charles McClelland**](#) said officers would need clarity and protection from liability if asked to perform more tasks.

"If the federal government (or) state government want me to do some type of federal immigration enforcement, they need to do several things," McClelland said. "We need (to) secure our borders, they need to bring some clarity to the issues of what documents are going to be accepted to prove that one is a United States citizen. And I think police officers need some liability shield because police officers are human, and if they make a mistake and an innocent American citizen goes to jail, then where is that liability going to fall - on the officer, the city, the department? I'm concerned about those things."

He emphasized, "If you are a crime victim in this city or you witness a crime, I want you to report that to the Houston Police Department, regardless of your immigration status. If you are suspected of committing a crime, I am going to try to arrest you and charge you, regardless of your immigration status."

Harris County Sheriff Adrian Garcia's office already is involved in immigration enforcement in Harris County Jail, spokesman Alan Bernstein said.

"Sheriff Garcia runs what ICE ([**U.S. Immigration and Customs Enforcement**](#)) considers to be one of the most successful 287(g) / Secure Communities programs in the nation, placing ICE detainees in the Harris County Jail that led to the deportation or voluntary removal of at least 11,718 illegal immigrants in the last 2½ years. All were people arrested for crimes against Texas law and were brought to the Harris County Jail solely for that reason," he said.

Differing views?

Bernstein said, however, that asking officers to conduct ICE operations in the field, "where they encounter victims, witnesses, other law-abiding citizens and potential detainees" raises concerns.

A battered wife, for example, must know that her report of an assault "will not lead her to be scrutinized by local enforcement for possible violation of a civil court matter in federal court, for which no arrest warrant, subpoena or charge has been issued."

Sen. Dan Patrick, R-Houston, has filed a bill, SB 126, that would require a peace officer to ask about the "lawful presence" of a person stopped on other grounds "if the officer has a reasonable suspicion to believe the person has violated a criminal provision of the federal immigration laws." Patrick said officers on the street may have a different view from the chiefs.

Williams said he is happy to hear from the chiefs and sheriffs and would like to address their concerns if he can.

He may get an earful.

"I look forward to calling out B.S. when we go to these hearings," Acevedo said.

Chronicle reporter Cindy George contributed to this report.