



BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

March 10, 2009

***Via Facsimile (202)282-9186
and Electronic Mail***

Hon. Janet Napolitano
U. S. Department of
Homeland Security
Washington, DC 20528

Re: Deportation of Non-Citizens for major criminal activity

Dear Secretary Napolitano,

Two and a half years ago a Colombian national with a criminal history fatally shot a Houston police officer. Last Thursday night a citizen of El Salvador, Mr. Alfaro, shot a police officer when the officer was serving a search warrant in a narcotics investigation. The wounded officer is in critical condition.

In both cases those who shot our officers had previously been arrested by law enforcement in multiple local jurisdictions, generally those outside of our City limits.

Local law enforcement needs more federal assistance. Non-citizens convicted of serious property crimes, violent crimes, and narcotics offenses should be deported immediately when released from custody of local officials.

The law requires that local law enforcement and jail custodians release people convicted of crimes according to the terms of their sentencing. The need for prompt deportation cannot be remedied by federal detainer orders of prolonged or indefinite duration.

Houston has never been a "sanctuary city." Houston cooperates well with the FBI, DEA, and ICE. HPD runs operations with them and shares intelligence. ICE has had complete access to the city jail, where individuals are temporarily held before

transfer to county facilities. At great expense we fingerprint people without identification and notify ICE when they show up on national databases as deportable felons. Last year ICE also obtained access to the Harris County jail.

But the lack of federal resources—including information, IT systems, and human resources—to identify, track, secure in federal custody, and deport non-citizens who commit serious crimes is simply unacceptable. The federal officers we work with are committed and competent. There need to be more federal officers, with better tools and procedures.

The following reforms need to be made by those responsible for federal agencies:

- Information about individuals arrested without documentation showing U.S. citizenship should be run against national databases immediately after arrests. There should be sufficient federal IT and personnel or contractors to do this in real time. These databases should be current and comprehensive. Arrest and conviction information needs to be updated on federal databases. (In the Alfaro case, the information we received since the shooting has been piecemeal and inconsistent, and even the residency status remains unclear.) This screening of persons arrested can be done in connection with the DA's intake and local jails.
- State and local law enforcement need to have access to databases which would show a change in residency status.
- For those convicted of violent crimes, serious property crimes, and narcotics, procedures should be established with local district attorneys and jail custodians resulting in seamless transfer to federal custody. This transfer should occur promptly—within a maximum of 24 hours—after the date on which the individual must be released under the terms of their sentencing. There need to be sufficient court personnel available to make adjudications promptly and before release from jails and prisons.
- The deportation status of these individuals, including when they are taken into federal custody and when they are deported, should be available in public records, to ensure accountability to DHS officials, Congress, and the public.
- Substantial monetary rewards should be posted and publicized for information leading to the arrest of those who have re-entered the U.S. after deportation, on account of serious crimes.

- Those who re-enter after deportation for serious crimes should be subject to deportation to a very inconvenient location.

I believe all jurisdictions in the Houston region would be happy to participate in a pilot program.

Let's not lose track of what homeland security really means.

Law enforcement at all levels understands this problem. There are Hatch Act and other understandable limits on the ability of federal law enforcement to speak publicly about the lack of sufficient resources. Deportation of serious criminals who are non-citizens should not and cannot legally be the responsibility of local government. Local law enforcement arrests individuals in this category every week, at considerable risk, and should not either bear the responsibility or the risk for the failure to deport. (Of course, U.S. citizens commit most serious crimes.)

We applaud your testimony last month about the need to improve information-sharing with state and local jurisdictions. At the same time we must act on information concerning that small minority of non-citizen residents who engage in serious criminal activity.

Sincerely,



Bill White
Mayor

cc : Chief Harold Hurtt, Houston Police Department
Adrian Garcia, Harris County Sheriff's Department
Ann Travis, Director of Government Affairs