

Austin Police Department

Policy Manual

Detentions, Field Interviews, and Field Photographs

- (b) Officers should weigh the safety interests of all persons involved against the intrusion upon the detainee when deciding to place handcuffs on, or remove handcuffs from, a detainee.
- (c) Unless arrested, the use of handcuffs on detainees at the scene of a search warrant should continue for only as long as is reasonably necessary to assure the safety of officers and others.

318.3.2 DETAINING FOREIGN NATIONALS

- (a) Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.
 1. Officers shall not detain persons solely for determining immigration status.
 2. After a lawful detention, officers may continue to detain foreign nationals for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time.
- (b) Officers detaining a foreign national shall notify the appropriate consular official upon request or when the detention exceeds two hours. The Communications Division will maintain a current telephone list of foreign embassies and consulates and a list of mandatory notice countries.
 1. Officers shall document in the narrative of the appropriate incident report the date and time Communications was notified of the foreign national's detention and his claimed nationality.
- (c) The following additional policies cover handling foreign nationals:
 1. Policy 319 (Custody Arrests) outlines procedures for arresting foreign nationals who do not claim to have immunity.
 2. Policy 330 (Foreign Officials Claiming Immunity) outlines procedures for detaining and arresting foreign officials who claim to have immunity.

318.3.3 DETAINING FEDERAL AND STATE LEGISLATORS

Policy 319 (Arrests) outlines procedures for arresting Federal and State Legislators.

318.4 CONSENSUAL ENCOUNTERS

Officers are encouraged to initiate interviews with people of the community in order to gain a thorough knowledge and become an integral part of the community.

- (a) Officers may talk to a person at anytime, for any reason, in performance of their duties.
- (b) An interview should be conversational and not confrontational.
- (c) A consensual encounter is not a stop or arrest and there is no intent to inhibit any rights or freedoms of a person. The person has the right to: