



# Policy Revision Request

Requestor Name Jeff Greenwalt Emp # 4647

This revision applies to Existing Policy 08-27-24

If new, recommended section \_\_\_\_\_

This revision is necessary to comply with Best Practices

Whom does this revision affect? Department

This revision has an unbudgeted financial impact of \$ \_\_\_\_\_

### Brief reason for the revision:

It was pointed out that we require officers to notify a person that they are not compelled to answer a question about immigrant status, but there is no requirement to document that in the report.

**Document the changes or additions to the policy below. Please include the specific policy number. ~~Red strikethroughs~~ are used for deletions and blue underlined for text insertions. Please email completed forms to [APDPolicy@austintexas.gov](mailto:APDPolicy@austintexas.gov). Use this email for any related questions or issues for policy.**

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## 330 Interactions with Foreign Nationals

### 330.4 IMMIGRATION STATUS INQUIRIES

Officers who have lawfully detained a person to conduct a criminal investigation into an alleged criminal offense, or who have arrested a person for a criminal offense, may make an inquiry into the person’s immigration status, except as prohibited in this order.

Before officers inquire into immigration status, they must instruct the detainee or arrestee that the detainee or arrestee is not compelled to respond to the inquiry and that the detainee or arrestee will not be subjected to additional law enforcement action because of their refusal to respond.

- (a) All immigration status inquiries shall be documented in a Versadex offense report by adding Title Code 4201 “Immigration Status Inquiry,” regardless of whether an arrest was made or not, and regardless of whether the individual answered the question or not. A CAD call will be generated for each report, and every officer on scene will log into that call. Direct entry Versadex reports will not be permitted.
  - 1. The report will include the reasons why the officer asked about the person’s immigration status, the fact that they informed the person it was not mandatory to answer and would not be subjected to additional law enforcement action, and the specific questions asked.

2. This order does not apply to citizenship inquiries made as part of the jail booking process; therefore, officers do not need to add Title Code 4201 for citizenship inquiries made as part of the jail booking process.