



Atlanta Police Department – Standard Operating Procedure			
	APD.SOP.3030 – Arrest Procedures Effective Date: July 7th, 2025		
Chief Darin Schierbaum	Signature by: DS	Date Signed: 7/7/2025	Renewal: 2027

SIGNIFICANT CHANGES

APD Staff,

The Policy and Standards Section has changed the “APD.SOP.3030 – Arrest Procedures”

The following changes to arrest procedures is required by The Department of State, Bureau of Consular Affairs Office, as well as the new Georgia House Bill 1105:

- Officers are only permitted to release an individual on a copy of charges for City Ordinance violations and traffic offenses (except for serious violations).
- 16-13-2(b) - Marijuana Less than an Ounce is no longer permitted to be used when releasing the individual on a copy of charges. Officers **must** use the City Ordinance code 106-182 when issuing a copy of charges.
- Law Enforcement Officers are to investigate immigration status on *any* individual who is being investigated for criminal activity and who is unable to provide identification as outlined in OCGA 50-36-2 “[Secure and Verifiable Identity Document](#)” that confirm their immigration status.
- Any person who is a resident/citizen of another country, and physically arrested, must be asked if they wish for their country to be notified of the arrest, if they are not from one of the 58 countries that mandates the officer to immediately notify the Consulate/Embassy of the arrest. **This is not just for Diplomats** - A Foreign National is considered to be any individual who holds a foreign passport, citizenship or foreign Identification Card.

Thank you and stay informed!

Policy and Standards Section
Planning, Research, and Accreditation Unit



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1. PURPOSE

To establish policy and procedure for the arrest, temporary detention, transport, and delivery of persons subject to arrest.

2. POLICY

The Atlanta Police Department will allow sworn employees appropriate discretion in determining the type of enforcement action to be taken. In determining appropriate enforcement action, officers will consider what is required by law and what is in the best interests of the City of Atlanta, and of the Department. In exercising discretion, officers will not consider prejudice based on age, race, sex, ethnic origin, sexual orientation, position in the community, or any other social, cultural, or economic factor.

All persons who are subject to arrest will be properly searched, restrained, and transported in a manner that ensures the safety, security, and welfare of the employee(s), the public, and the arrestee(s).

3. RESPONSIBILITIES

- 3.1 All supervisors will ensure that sworn employees within their command comply with the requirements of this directive and will aid as necessary.
- 3.2 All sworn employees will follow the requirements of this directive.
- 3.3 The Training Unit will provide the training necessary for compliance with this directive.
- 3.4 The Zone 6 commander will be the liaison between the Department and the DeKalb County prosecutors and courts.
- 3.5 The Airport commander will be the liaison between the Department and the Clayton County prosecutors and courts.
- 3.6 Division, section, and unit commanders will monitor the implementation of this directive in their respective commands.
- 3.7 PRAU will contact the City of Atlanta Department of Law before making any revisions, amendments, or deletions in this Standard Operating Procedure.

4. PROCEDURE

4.1 ARREST & INDIVIDUAL RIGHTS

The State of Georgia defines an arrest when a person voluntarily submits to being considered under arrest or yields on condition of being allowed his freedom of locomotion, under the discretion of the officer, the arrest is complete (OCGA 17-4-1).

4.1.1 Miranda Warning

- 1. All persons in custody must be advised of their rights before attempting to obtain any incriminating statements. The arresting officer must inform the arrestee of the following before questioning any person in custody:



1. You have the right to remain silent.
2. Anything you say will be used in court as evidence against you.
3. You are entitled to have a lawyer now and have him or her present now or at any time during questioning.
4. If you cannot afford a lawyer, one will be appointed for you without cost and he or she may be always present during your questioning.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

2. Any waiver of rights by a person in custody must be made knowingly and voluntarily. The arresting officer will ask the following questions to determine the voluntariness of any waiver of rights:
 - a. Do you understand these rights?
 - b. Do you wish to continue speaking with me?
3. If the suspect indicates in any manner, before or during questioning that they wish to remain silent or asks for an attorney, the questioning or interrogation must stop unless permission is given by the suspect's attorney.

4.1.2 Arrests in First Amendment Situations

The Atlanta Police Department complies with the Constitutions of the United States and the State of Georgia providing their citizens the fundamental rights of freedom of speech and of the press, the right to exercise religion and to peacefully assemble.

In keeping with these rights, the Department aims to allow the broadest possible tolerance for citizens' political and religious expression. However, officers are still required to enforce City and State criminal laws when such laws are violated. The following guidelines outline officer responsibilities in relation to First Amendment activity.

1. Officers will respect the First Amendment rights of citizens as specified in this directive. They will be knowledgeable of State laws and City ordinances that are applicable in situations where First Amendment activity is occurring. They will be knowledgeable as to when they may lawfully intervene in such activity to enforce the law.
2. City Code Section 106-81, "Disorderly Conduct" will not be used to interfere with, restrict, or deny citizens' rights of speech, press, or religion, unless an actual obstruction or impediment occurs, as specified in the ordinance.
3. For purposes of this directive, the term "actual obstruction or impediment" applies only where both of the following elements are present: the public street, sidewalk, overpass, or public way is rendered impassable, passable but hazardous, or unreasonably inconvenient for physical passage; and there is a failure to clear such street, sidewalk, overpass, or public way after being ordered to do so by a police officer or other lawful authority.
4. "An actual obstruction or impediment" does not include circumstances where physical passage is possible but discomfort with the messages of a speaker causes a person to avoid the location.



5. Officers will not interfere with, or arrest for, obstruction of public passages of any person who is, or appears to be, engaged in, prayer, conversation, display and/or distribution of literature, display of picket signs, reading of scriptures, singing, and chanting, without the approval of a sworn supervisor.
6. Where an individual is speaking to another in a way that would tend to incite an immediate breach of the peace, this action will not be treated as an actual obstruction or impediment, as described in paragraphs b and c above but rather will be treated as fighting words (City Code Section 106-81, paragraph 6).
7. Officers will respect the exercise of free speech rights in such public forums as the public streets, sidewalks, and parks.
8. Specifically, the Department recognizes that citizens are exercising fundamental free speech rights when they engage in the following activities on public streets, sidewalks, and parks: prayer, conversation, oratory, display and/or distribution of literature, display of picket signs, reading of scriptures, singing, and chanting. Officers will lawfully intervene with regard to these citizens only if the citizen is violating State law or City ordinance.

4.2 ARREST WITHOUT A WARRANT

- 4.2.1 An arrest of a person in their home requires either an arrest warrant or probable cause plus exigent circumstances. Otherwise, an arrest for a crime may be made without a warrant when there is probable cause and/or if the offense:
- a. is committed in an officer's presence or within an officer's immediate knowledge.
 - b. if the offender is attempting to escape.
 - c. if the officer has probable cause to believe that an act of family violence has been committed.
 - d. if the officer has probable cause to believe that an offense involving physical abuse has been committed against a vulnerable adult 18 years or older who cannot protect themselves from mental or physical abuse because of a physical or mental impairment; or
 - e. for other causes if there is likely to be failure of justice for want of a judicial officer to issue a warrant. (OCGA 17-4-20)

This Subsection, 4.2.1 (a-e), may not be deleted, revised, or amended pursuant to the Court Order in Calhoun, et al. v. Pennington, et al. 1:09-CV-3286-TCB. Consult the City of Atlanta Department of Law with any questions or concerns.

- 4.2.2 When affecting an arrest without a warrant, the officer should make the arrest without undue delay. Any undue delay will necessitate an arrest warrant.
- 4.2.3 Employees may pursue the offender anywhere within the State until the arrest is complete, provided that the pursuit is continuous and uninterrupted.



4.3 ARREST BY WARRANT

(CALEA 6th ed. Standard 74.3.1)

- 4.3.1 An arrest warrant is valid anywhere in the State of Georgia and may be executed by a sworn employee at any reasonable time of the day or night.
- 4.3.2 An affidavit made, or warrant issued for the arrest of a person accused of violating the laws of the State of Georgia must include, as nearly as practicable, the following facts:
1. the offense committed, including both the crime and the O.C.G.A. code section number.
 2. the time, date, and place of occurrence, including the county in which the offense was committed.
 3. the person against whom the offense was committed.
 4. a statement describing the offense, including all elements of the offense.
- 4.3.3 When the offense charged is theft, the affidavit made, or warrant issued will also include the following:
1. the name of the property alleged to have been stolen from.
 2. a description of the property alleged to have been stolen.
 3. the value of the property alleged to have been stolen; and
 4. the name of the owner of the property and/or the person from whose possession such property was taken.

4.4 ARREST PROCEDURES

- 4.4.1 Employees will use only that force that is reasonable and necessary to affect an arrest or restraint and to ensure the safety of the arrestee, the officers, and others. All individuals will be treated professionally and humanely.
- 4.4.2 At the time of arrest, the arresting officer(s) will:
1. Identify themselves as a police officer, visually and/or verbally.
 2. Inform the arrestee of the reason for their arrest.
 3. Handcuff the individual with the handcuffs “double locked” and checked for proper fit.
 4. Immediately upon handcuffing, pat down the arrestee for weapons.
 5. As soon as reasonable and practical, but before being transported or placed in a vehicle or secure location, search the arrestee for weapons and/or contraband.
- 4.4.3 Only restraining devices issued by the Department and techniques authorized by the Training Unit will be utilized in the restraint, transportation, and detention of arrestees.



- 4.4.4 If an arrestee begins to have breathing complications, the officer will request medical personnel immediately.
- 4.4.5 To avoid positional asphyxiation (*difficulty breathing*), once a suspect is restrained, an officer will make attempts to limit additional body weight being placed on an arrestee in the prone position whereas the arrestee's chest cavity cannot expand to support adequate breathing or blood flow. As soon as the arrestee is handcuffed and controlled, the officer will move the arrestee into the recovery position.
- 4.4.6 The process of placing the arrestee in a recovery position the officer will do as follows:
1. Kneel beside the arrestee.
 2. Use your hand closest to the arrestee's head to secure the far shoulder area.
 3. Use the hand closest to the waist to secure the far side of the arrestee's waist.
 4. Simultaneously using both your hands, pull the arrestee's back towards you to have the arrestee positioned on their side.
 5. The officer will then carefully place the hand closest to the head and guide the arrestee to the upright position.
 6. Have the arrestee sit upright on their glutes.
- 4.4.7 Do not use the recovery position if the arrestee has a:
1. Head Injury.
 2. Neck Injury.
 3. Spinal Cord Injury.
 4. The person has no pulse.
 5. The person needs chest compressions or CPR.
 6. The person is breathing abnormally (gasping or agonal breathing).
 7. The person is not breathing at all.
- 4.5 DOCUMENTATION OF AN ARREST**
(CALEA 6th ed. Standard 1.2.5)
- 4.5.1 The arresting officer must complete an arrest citation for each arrested person. The arresting officer must also complete an incident report for each arrest. The arrest citation and incident report must be completed legibly and in their entirety.
- 4.5.2 Felony and misdemeanor state charges for the same arrested person may be written either on the same arrest citation or on separate citations.
- 4.5.3 When multiple charges arise from the same incident, all charges must be prosecuted in the same jurisdiction. All charges must be delivered with the prisoner to the jail. Also, do not combine charges resulting in physical arrest with copies of charges; if a physical arrest is made, all charges must reflect a physical arrest.
- 4.5.4 The arresting officer is responsible for the completion and submission of all reports and documentation, for the collection and preservation of evidence, and necessary court appearances.



- 4.5.5 The watch supervisor is responsible for reviewing all completed arrest citations and their supporting documentation for completeness and legibility. The supervisor's signature will serve as verification that this review has been completed.

4.6 PROPERTY AND EVIDENCE

The arresting officer is responsible for the safety and security of the property, evidence, and contraband of the person arrested (see APD.SOP.6030 "Property and Evidence Control").

4.7 COPY OF CHARGES

An officer may only issue a Copy of Charges in lieu of a physical arrest if the individual is accused of: (CALEA 6th ed. Standard 1.2.6 & 74.3.1)

1. A City Ordinance Violations, as long as the individual is no longer a continued threat to the community or themselves. State Violations, including 16-13-2(b) – Possession of Marijuana under an ounce, cannot be used when issuing a copy of charges. City Ordinance violation codes must be used.
2. Title 40 Traffic Violations, except for the following, but not limited to, serious traffic offenses:
 - a. 40-5-20 – Unlicensed Driver
 - b. 40-5-121 – Suspended license
 - c. 40-6-391 – DUI
 - d. 40-6-270 – Hit & Run
 - e. 40-6-390 – Reckless Driving
 - f. 40-6-393 – Homicide by Vehicle

4.8 SEARCHES

4.8.1 Search Incident to a Lawful Arrest

A search conducted incident to arrest is a recognized exception to the search warrant requirement. This exception permits an officer to perform a warrantless search during or immediately after a lawful arrest to remove contraband, weapons, evidence and any property the individual has on them, that they are not permitted to take to jail.

If able, searches should be conducted out of public view and by a person of the same gender.

4.8.2 Strip/Body Cavity Searches

(CALEA 6th ed. Standard 1.2.8)

A strip search or a body cavity search incident to a lawful arrest will only be conducted where reasonable articulable suspicion exists that the suspect is concealing a weapon, explosive device, or contraband, and may be conducted only at a jail, correctional, or detention facility after transport. After an initial search incident to an arrest, the officer will:

1. Notify their supervisor that the subject in the officer's custody may be concealing an unknown item and request permission to have a strip search or body cavity search conducted.
2. Request that a strip search or body cavity search be conducted by the Department of Corrections at the jail after transport. Body cavity searches must be conducted by qualified medical personnel.



3. Ensure that the incident report contains detailed information about the search including: the date, place, and time of the search; the justification for the search; the name of the person searching the name of any witnesses to the search; the identity of the person being searched; and the type of contraband located and where on the body found.
4. A body cavity search is not incident to a lawful arrest and must be supported by a search warrant. If an officer has probable cause to believe that a person is concealing a weapon, explosive device, or contraband, the officer will obtain a search warrant before a body cavity search.

4.9 ATLANTA CITY ORDINANCE

- 4.9.1 Unless being released on a Copy of Charges, persons arrested for an Atlanta City Ordinance Violation will be transported to the Atlanta City Detention Center.
- 4.9.2 The arresting officer is responsible for submitting complete and accurate documents, for the preservation of evidence, and for the proper presentation in court of all cases made by the officer.
- 4.9.3 The arresting officer must attend Municipal Court as scheduled or subpoenaed. If a conflict arises, it is the responsibility of the arresting officer to contact the court and resolve that conflict. If the arresting officer is unable to contact the court, the officer will notify their immediate supervisor. The arresting officer will set the court date as follows:
 1. Physical arrests - the next day; or
 2. Copy of charges - between 21 and 42 days in advance.

4.10 FULTON COUNTY MISDEMEANOR & FELONY CHARGES

- 4.10.1 Persons physically arrested for violations of state law in Fulton County, both felony and misdemeanor charges, will be transported to the Fulton County Jail.
- 4.10.2 An arrest citation must be completed for each person arrested. An incident report must be completed for each incident in which a person was arrested. Both the arrest citation and a copy of the incident report must be submitted when delivering the arrestee to the Fulton County Jail. The arresting officer is responsible for submitting complete and accurate documents, for the preservation of evidence, and for the proper presentation in court of all cases made by the officer. (CALEA 6th ed. Standard 70.1.6c)
- 4.10.3 The arresting officer must attend court as scheduled or subpoenaed. If a conflict arises, it is the responsibility of the arresting officer to contact the court and resolve that conflict. If the arresting officer is unable to contact the court, their immediate supervisor will be notified as appropriate.

4.11 DEKALB COUNTY MISDEMEANOR & FELONY CHARGES

- 4.11.1 Persons arrested for violations of state law in DeKalb County, both felony and misdemeanor charges, will be transported to the DeKalb County Jail.
- 4.11.2 Persons arrested in the City of Atlanta on a DeKalb County arrest warrant must be transported to DeKalb County Jail. Fulton County Jail will no longer accept prisoners arrested on DeKalb County Warrants.



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- 4.11.3 There are no copies of charges issued in the DeKalb County court system. All arrests require a physical arrest unless very unusual circumstances exist.
- 4.11.4 An arrest citation must be completed for each person arrested. An incident report must be completed for each incident in which a person(s) was arrested. Both the arrest citation and a copy the incident report must be submitted when delivering the arrestee to the DeKalb County Jail. The arresting officer is responsible for submitting complete and accurate documents, for the preservation of evidence, and for the proper presentation in court of all cases made by the officer. (CALEA 6th ed. Standard 70.1.6c)
- 4.11.5 The transporting officer will deliver the arrestee to the DeKalb County Jail with an arrest citation and a copy of the incident report and complete a DeKalb County Jail Arrest Information Record. The arresting officer will return a copy of that form to the Zone 6 precinct. (CALEA 6th ed. Standard 70.1.6c)
- 4.11.6 Between the hours of 8:30 am and midnight, the arresting officer will obtain a warrant at Magistrate Court and return a copy of the warrant to the jail. Magistrates are available from 8:30 am until 4:30 pm Monday through Friday. Magistrates are also available from 5:00 pm until 7:00 pm and 8:30 pm until midnight on Monday through Wednesday and 5:00 pm until midnight on Thursday and Friday. The weekend schedule is 8:30 am until Noon, 1:00 pm until 5:00 pm and from 7:00 pm until midnight on Saturday and Sunday.

DeKalb magistrates' schedule	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Midnight to 8:30 a.m.	Off	Off	Off	Off	Off	Off	Off
8:30 a.m. to noon	On duty	On duty	On duty	On duty	On duty	On duty	On duty
Noon to 1:00 p.m.	On duty	On duty	On duty	On duty	On duty	Off	Off
1:00 to 4:30 p.m.	On duty	On duty	On duty	On duty	On duty	On duty	On duty
5:00 to 7:00 p.m.	On duty	On duty	On duty	On duty	On duty	Off	Off
7:00 to 8:30 p.m.	Off	Off	Off	On duty	On duty	On duty	On duty
8:30 p.m. to midnight	On duty	On duty	On duty	On duty	On duty	On duty	On duty

- 4.11.7 If the officer arrests a defendant between the hours of midnight and 8:30 am, they must obtain a warrant at Magistrate Court within 48 hours; otherwise, the defendant will be released from jail. The DeKalb County Magistrate Court can be reached by telephone at (404) 294-2150. Morning watch officers may appear at 10:00 pm prior to going to work to obtain their warrants. The Magistrate's schedule is given above.
- 4.11.8 If Officers are required to go to First Appearance, day and evening watch officers can make their First Appearance Hearing while on duty at the times listed above in the Magistrate's Court. Morning watch officers can appear at 8:30 am for their First Appearance Hearing or on the following day at 10:30 pm prior to their going on duty. Morning watch officers that are off the next day can request a re-set through a supervisor or the court appearance officer. Cases are not typically set on the officer's off-days.
- 4.11.9 When making an arrest for shoplifting, transport the witness (security guard or store representative) to a magistrate for the issuance of the warrant. A \$10.00 application fee for the warrant is required from the store representative. Afterwards, if necessary, transport the witness back.



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- 4.11.10 In planned situations involving multiple arrests such as sweeps or raids, the DeKalb County Magistrate's Office requests advance notification. Special arrangements can then be made to accommodate the volume of defendants for warrants. Only general information relative to the nature of the detail will be provided.
- 4.11.11 Officers will be subpoenaed along with victims and witnesses for trial. The officer must write contact information for the victim and witnesses on the reverse side of the Affidavit for Issuance of Criminal Warrant (Warrant).
- 4.11.12 Upon arrival at magistrate court, the officer will notify the judge and the Sheriff's deputy in charge if a prisoner presents a safety hazard or escape risk. (CALEA 6th ed. Standards 70.1.8 and 70.5.1)

4.12 CLAYTON COUNTY MISDEMEANOR & FELONY CHARGES

- 4.12.1 Persons arrested for violations of state law in Clayton County, both felony and misdemeanor charges, will be transported to the Clayton County Detention Center.
- 4.12.2 The following must be completed and submitted for each incident in which a person was arrested and taken to the Clayton County Detention Center:
1. An arrest citation
 2. Incident report
 3. Clayton County warrantless arrest probable cause Affidavit
 4. Affidavit for the warrant
 5. Clayton County arrest booking report
- 4.12.3 The arresting officer is responsible for submitting complete and accurate documents, for the preservation of evidence, and for the proper presentation in court of all cases made by the officer.
- 4.12.4 The arresting officer must attend court as scheduled or if subpoenaed. If a conflict arises, it is the responsibility of the arresting officer to contact the court and resolve that conflict. If the arresting officer is unable to contact the court, their immediate supervisor will be notified as appropriate.

4.13 TRAFFIC

- 4.13.1 The Municipal Court of Atlanta will continue to process all misdemeanor traffic charges. Persons physically arrested will be transported to Atlanta City Detention Center.
- 4.13.2 Traffic-related physical arrests involving a felony in Fulton County will be processed by the Fulton County District Attorney's Office, and the defendant will be transported to the Fulton County Jail.
- 4.13.3 Traffic-related physical arrests involving a felony in DeKalb County will be processed in the Magistrate Court, and the defendant will be transported to the DeKalb County Jail.

4.14 JUVENILES

- 4.14.1 Unless otherwise approved by a supervisor, the arresting officer will be the transporting officer of juvenile prisoners.
- 4.14.2 Do not transport juveniles with adults unless they are accomplices or companions of the adults. Never transport a juvenile in a prisoner transport vehicle unless a large group of juveniles are apprehended together or if the juvenile is too violent to be transported in a patrol vehicle.
- 4.14.3 Transporting officers will advise the communications dispatcher that they are transporting a juvenile prisoner, give the beginning and ending mileages of the transport vehicle, and take the most direct route to the destination. Take juveniles to the Juvenile Detention Center without delay unless they



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need medical attention. If releasing the juvenile to their parent or guardian on a copy of charges, the transporting officer will also give beginning and ending mileages to the parent or guardian's residence.

- 4.14.4 Juveniles who are transported to a Hospital for treatment will remain in the custody of the transporting officer. Transport officers will obtain a Medical Release Form from the facility, which will be given to the intake officer at the Juvenile Detention Center.
- 4.14.5 Transporting officers who have knowledge of juveniles who have been drinking alcoholic beverages or who are under the influence of any drug must have the juvenile examined at a medical facility prior to arrival at the Juvenile Detention Center.
- 4.14.6 If the juvenile is having lengthy treatment at Grady Hospital, Grady Detention will accept temporary custody of the prisoner. On completion of the treatment, Grady Detention will contact the zone of the arresting officer and custody will be returned to the that zone for transportation and booking into the Juvenile Detention Center.
- 4.14.7 Officers will not transport juveniles after the Juvenile Detention Center facility has taken custody of the juvenile.

Refer to APD.SOP.3190 "Juvenile Procedures" regarding processing and charging juveniles.

4.15 FOREIGN NATIONALS

(CALEA 6th ed. Standard 1.1.4)

- 4.15.1 A Foreign National is any individual who is a national of another country. This could include Students, persons traveling on business and, but not limited to, tourists, but does not include U.S. citizens who are dual nationals.
- 4.15.2 The United States is obligated under the Vienna Convention on Consular Relations (VCCR), Article 36 to ask a foreign national upon their arrest or detention whether they would like their nearest embassy or consulate to be notified of their arrest and to make such notification upon their request. For 58 countries (listed [here](#)), there are mandatory notification legal obligations so you must inform the nearest embassy or consulate upon the arrest or detention of their national, regardless of the detainee's wishes. If the detainee indicates a safety issue with this disclosure, please contact the U.S. Department of State's Consular Notification Team at consnot@state.gov.
- 4.15.3 Whenever a foreign national is arrested, or detained for investigative purposes, the officer must:
 - 1. Ensure the detainee/arrestee is promptly notified (e.g., prior to interrogation) of their option to have their government informed of the circumstances surrounding their detention or arrest (Unless they are from a mandatory notification country).
 - 2. Notify their supervisor and provide them with the circumstances of the detention or arrest.
 - 3. Contact ACIC and notify them of the arrest or detention of a foreign national.
 - a. ACIC will ultimately be responsible for notifying the foreign national's embassy or consulate by completing Form APD 443 – Consular Notifications and send it to the appropriate Embassy/Consulate.
 - b. The arresting officer/investigator may (at their discretion) notify the foreign national's embassy or consulate, even if the arrestee declines notification.
 - 4. Include the following information in the narrative of the incident report:
 - a. The foreign national's country of origin
 - b. The radio number of the ACIC operator who took the foreign national's information
 - c. The date and time that ACIC was notified.



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- 4.15.4 An updated listing of consulates and embassies can be found at the Department of State web site: <https://travel.state.gov/content/travel/en/consularnotification.html> , or on the last page of this policy. If an email does not send, please contact the PRAU unit for assistance.

4.16 UNDOCUMENTED INDIVIDUALS

- 4.16.1 The Atlanta Police Department will provide courteous and professional service to any person in the City of Atlanta, while taking positive enforcement action against all individuals who commit criminal offenses.
- 4.16.2 Officers will not detain or check Immigration status solely on age, race, sex, ethnic origin, sexual orientation, position in the community, or any other social, cultural, or economic factor.
- 4.16.3 As outlined in established OCGA code section 17-5-100 "[Investigation of Illegal Alien Status](#)", Law Enforcement Officers are to investigate immigration status on *any* person who is being investigated for State violations, and who is unable to provide identification as outlined in OCGA 50-36-2 "[Secure and Verifiable Identity Document](#)" that confirm their immigration status.
- 4.16.4 If the Law Enforcement Officer verifies that the individual is confirmed as an Illegal Alien by a Federal Immigration Detainer or by a Federal Arrest Warrant, and the officer has State charges, the officer will make note of the immigration status in the remarks section of the arrest citation.
- 4.16.5 If the Law Enforcement Officer verifies that the individual is wanted by a Federal Immigration Detainer or by a Federal Arrest Warrant, and the officer does NOT have additional charges, the officer will need confirm the warrant with the local Immigration and Customs Enforcement agency.
- 4.16.6 If the individual is taken into custody, check with the individual and ask if they would like their consulate or embassy notified, if they are not a resident of one of the 58 countries that require mandatory reporting. (see last page)

4.17 IMMUNITY FROM ARREST

Federal legislators are free from arrest during the term of the legislative session for any offense except those involving treason, a felony, or a breach of the peace.

4.17.1 Legislators

1. The elected members of the General Assembly are free from arrest during their attendance in the General Assembly and in going thereto and there from, except for treason, felony, or breach of peace. (GA Const. Art. 3, Sec. 4, Para. IX)
2. A supervisor should be notified by radio and respond to the scene when a Legislator has been stopped for a traffic violation.

4.17.2 Poll Officials

During their attendance at elections and in going to and returning from the same. Poll Officials will be free from arrest in all cases except for treason, felony, larceny, and breach of peace.

4.17.3 Foreign Diplomats/Consular Officials

1. The Department's policy is that no foreign diplomatic or consular personnel who are claiming diplomatic or consular immunity will be physically arrested without the on-scene approval of a commander with at least the rank of a Captain or above. Atlanta Police Officers should contact the U.S. Department of State's Office of Foreign Missions (OFM) to confirm a member's immunity status. OFM may be reached at (202) 695-8220 during regular business hours (9:00AM – 5:00PM) or via the Diplomatic Security Command Center (DSCC) at (571) 345-3146 outside of business hours.



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2. A copy of charges will not be given to diplomatic or consular personnel without the approval of a supervisor. All diplomatic or consular officials may be given citations. All citations and incident reports should be sent to OFMImmunity@state.gov as soon as possible after any incident so that OFM may expeditiously proceed with all notifications and follow-up actions as appropriate
3. Officers are authorized to issue traffic citations to diplomatic and/or consular personnel, however depending on immunity status, they may not be able to physically arrest or search the vehicle or person. Officers encountering diplomatic or consular personnel or their dependents, who are suspected of DUI, will ensure that the driver does not endanger themselves or the public. Officers should contact OFM to confirm an individual's immunity status. OFM can further advise if the officer may conduct a field sobriety test, vehicle search, and/or arrest the individual. The officer will not permit the individual to continue to drive if the officer judges the individual too impaired to drive safely. The officer may do one of the following:
 - a. Summon a taxi or allow the individual to summon a friend or relative to drive them.
 - b. Drive the individual, with their permission, to a police station or other safe location where the individual may recover sufficiently to drive; or
 - c. Drive the individual to their destination with supervisory approval; and
 - d. Officers shall document the incident and forward a copy of any citation or incident report as soon as possible to OFMImmunity@state.gov.
4. Consular Rights and Federal Protections
 - a. Individuals claiming diplomatic immunity need to have their diplomatic status verified by OFM. OFM can confirm an individual's immunity level and the actions a police officer may or may not take as it relates to the foreign mission member's immunity status. Consular immunity does not normally extend to members of consular officers' families or to employees of consular officers.
 - b. If diplomatic or consular personnel or their dependents present a threat to themselves, the public, or law enforcement, they may be handcuffed but only as long as the threat exists. When handcuffing is required to contain an immediate threat, include detailed reporting that states clearly the situation/threat that required such action. All reports involving diplomatic or consular personnel, and their dependents should be sent as soon as possible to OFMImmunity@state.gov.
5. A supervisor will be called to the scene when a traffic stop is involving diplomatic or consular personnel.
6. Any individual claiming diplomatic status and/or immunity needs to be verified. Law enforcement officials must confirm the status by contacting the OFM. Possible indications of a foreign mission member include diplomatic or consular driver's licenses, identification cards, and tax exemption cards; diplomatic or consular license plates; or a verbal claim of diplomatic immunity.
7. The U.S. Department of State issues diplomatic and consular driver's licenses, identification cards, and tax exemption cards to qualifying diplomatic or consular personnel and their dependents. Every card issued by the Department has the number for the Diplomatic Security Command Center printed on the back. Officers must call to confirm a card's authenticity as well as to confirm an individual's status and entitlement to diplomatic or consular immunity.



8. In any situation in which a law enforcement official needs to establish entitlement to diplomatic immunity and the person asserting it cannot produce an identification card issued by the U.S. Department of State, the status can be obtained through calling OFM during normal business hours or via the DSCC outside of business hours. The DSCC is available 24/7 to connect law enforcement officers with OFM to confirm an individual's status to include any entitlement to diplomatic or consular immunity.

- a. During regular business hours (9:00AM – 5:00PM): call the Office of Foreign Missions at (202) 695-8220.
- b. Outside of regular business hours: call OFM via the Diplomatic Security Command Center at (571) 345-3146.

4.18 MILITARY PERSONNEL ABSENT WITHOUT LEAVE (AWOL)

- 4.18.1 Members of the organized militia or military forces will in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at drills, parades, meetings, encampments, and the election of officers and going to, during, and returning from the performance of any active duty as such members. (OCGA 17-4-2).
- 4.18.2 Absent Without Leave is not a criminal offense but a violation of the Uniform Code of Military Justice and cannot be tried in state or local courts.
- 4.18.3 If an officer is requested by military officials to assist in the apprehension of a person reported to be AWOL, assistance may be provided if military personnel are on scene to take the person into custody and military control.
- 4.18.4 If a wanted check indicates that a person is AWOL, the arresting officer will contact the appropriate military police personnel to verify the person is AWOL. If the individual is confirmed, the arrestee will be transported to the Atlanta Detention Facility to be held for military personnel.

4.19 PRISONER IDENTIFICATION

- 4.19.1 Employees transporting prisoners, taking custody of a prisoner arrested by another person, or taking custody of a prisoner being held in a detention facility will ensure that the prisoner is the same person identified in the accompanying paperwork. (CALEA 6th ed. Standard 70.5.1)
- 4.19.2 Prisoners transported to correctional facilities will be accompanied by the proper documentation, to include incident reports, arrest tickets, state issued identification cards, etc.
- 4.19.3 Prisoners being transported to court or between correctional facilities will be accompanied by proper documentation, to include identification papers or materials issued by the correctional facility, state issued identification cards, etc.
- 4.19.4 Employees transporting prisoners for other employees will require each arresting officer to positively identify their prisoner(s) and provide necessary documentation prior to assuming custody of the prisoner.

4.20 PRISONER TRANSPORTATION

- 4.20.1 **Prisoner Transportation Vehicles**
(CALEA 6th ed. Standard 41.1.3)

The primary purpose and use of the Prisoner Transport Wagon is to transport arrested individuals safely and securely to a detention facility.



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1. Transporting officers will thoroughly search the prisoner seating area of the transport vehicle before and after each transport of a prisoner for contraband, weapons and property.
2. If the transport vehicle is a patrol car, the search will include the area under the rear seat. Any routinely detachable article or device that can be used as a weapon will be kept in a secure section of the vehicle, out of the reach of prisoners. (CALEA 6th ed. Standard 70.1.2)
3. Each prisoner must be searched by the transporting officer prior to being placed in the transport vehicle; this search is in addition to the arresting officer's search. (CALEA 6th ed. Standard 70.1.1)
4. Only vehicles with protective screens should be used to transport prisoners. Patrol cars with protective screens will not be used to transport more than two prisoners. Seatbelts should be used if available. (CALEA 6th ed. Standard 70.1.3)
5. A solitary prisoner will be seated toward the right side of the rear seat to allow the transporting officer to always observe the prisoner. Assisting officers will not sit in the rear seat of a vehicle with a protective screen when transporting prisoners.
6. If a prisoner must be transported in a vehicle without a protective screen, the following precautions will be taken:
 - a. Request the assistance of another officer prior to transporting.
 - b. The prisoner will be seated toward the right side of the rear seat.
 - c. The assisting officer will sit in the rear seat directly behind the transporting officer and give special consideration to weapon retention with respect to their service weapon and the prisoner being transported.
 - d. Apply handcuffs and/or other restraining devices to the prisoner and fasten a seatbelt around the prisoner prior to transporting.
 - e. Unless authorized by a supervisor, transport only one prisoner at a time.

4.20.2 Prisoner Restraint (CALEA 6th ed. Standard 41.3.3)

Restraining devices will be used during all transports unless the prisoner's medical or physical condition makes the use of restraints unreasonable.

1. Restraining devices will not be used in a manner that intentionally inflicts unreasonable pain or unnecessary discomfort.
2. Restraining devices on the wrists will be securely applied behind the back, double locked and checked for proper fit (unless otherwise advised in this directive).
3. Restraining devices may be used on the legs in addition to restraining devices on the wrists, during all transports. Restraining devices cannot be used on the legs without also using restraining devices on the wrists unless a medical or physical condition makes their use unreasonable. Prisoners will not be "hog tied" or restrained in any manner that is inconsistent with Department approved methods and training.
4. Prisoners will not be secured to any part of the vehicle or to another prisoner during transport.

5. Additional restraining devices may be used as required or as circumstances dictate.

4.20.3 Prisoner Communication

(CALEA 6th ed. Standard 70.1.5)

Prisoners are not allowed to communicate with anyone other than law enforcement officers during transport.

4.20.4 Prisoner Observation

Transporting officers will not leave a prisoner unattended in a motor vehicle and must maintain visual contact with the prisoner, except under the following circumstances:

1. As reasonably necessary for the prisoner to use a fully secured toilet facility.
2. To comply with the request of a health care provider.
3. During the transport when the prisoner is in the rear of a transport vehicle.

4.20.5 Law Enforcement Response while Transporting

(CALEA 6th ed. Standard 41.1.3 & 70.1.4)

Other than to pick up additional prisoners, officers may not stop to provide law enforcement services unless all three of the following conditions are present:

1. A third party is clearly in imminent danger of suffering serious bodily harm.
2. The risk to the prisoner is minimal; and
3. Another police officer cannot respond quickly enough to prevent serious bodily harm.

4.20.6 Situational Awareness During Transport

(CALEA 6th ed. Standard 70.1.4)

Sworn employees that respond to emergencies while transporting a prisoner will remain aware that the possibility of diversionary tactics, whether instigated by persons attempting to free the detainee, may divert the attention of the transport officer and place the detainee in jeopardy or enhance chances for escape.

4.20.7 Officer Action at Destination

(CALEA 6th ed. Standards 70.1.6 a-e)

Transporting officers will follow the administrative and safety procedures of the receiving facility in addition to taking the following actions:

1. Deliver the court copies of the arrest citation and any other necessary paperwork to the receiving officer; verify the identity of prisoners to the receiving officer; and advise the receiving officer of any potential medical or security hazards. (CALEA 6th ed. Standards 70.1.6c, d, and e)
2. Remove restraining devices when advised by the detention facility. (CALEA 6th ed. Standard 70.1.6b)
3. Do not carry a weapon into any detention cell or restricted area. If entering a secured facility, store firearms in a secure place. The locked trunk of a police car may be used if a specified secure firearm storage facility is not available. (CALEA 6th ed. Standard 70.1.6a)



4.20.8 Female Prisoners

1. Before transporting a female prisoner, male transporting officers will summon a female officer so that a search of the prisoner can be conducted. If a female officer is not available, the male transporting officer should conduct the search in the presence of a witness. Male officers conducting a search on a female prisoner should use the back of their hand instead of the palms. This search is primarily to check for weapons to ensure the transporting officer's safety. A more thorough search will be conducted upon arrival at the appropriate detention facility. (CALEA 6th ed. Standard 70.1.1)
2. Whenever transporting a female prisoner, the officer will advise the communications dispatcher that they are transporting a female prisoner, give the destination and beginning mileage of the transport vehicle, and take the most direct route to the destination. Upon arrival, advise the communications dispatcher of the ending mileage.
3. Female prisoners may not be transported with a male prisoner unless they are accomplices or companions of the male prisoner.
4. At no time will a lone male officer transport a female prisoner over an extended distance or a distance beyond the communications range of the officer's police radio. A female officer will be present on all extended trips.
5. If an arrestee is visibly pregnant or advises that they are more than 12 weeks pregnant, the arresting officer (if safe to do so) will handcuff the arrestee in the front of the body.

In the event the arrestee is proving to be a harm to themselves, their unborn child or others, the arrestee should be secured with their hands behind the back using a minimum of two sets of handcuffs. If the pregnant arrestee is handcuffed behind the back, an officer must maintain physical contact for continuous active control to prevent falling.

4.21 PRISONERS – SICK, INJURED OR IN MENTAL CRISIS

4.21.1 Prisoners Transported to Grady Hospital

When a prisoner has been treated by an on-scene EMS unit and has signed a refusal to be transported by the on-scene unit, but it is necessary for the prisoner to be transported to Grady Hospital due to jail procedures, the transporting officer will:

1. Advise Dispatch that they are transporting the arrestee to Grady Hospital or Grady Detention, dependent on the prisoner's medical needs.
2. Provide dispatch with starting and ending mileage.
3. Check in with the Corrections supervisors to request assistance, if needed.

4.21.2 Seriously ill or Injured Prisoners

1. Seriously ill or injured prisoners will be taken to Grady Hospital (if possible) by an on-scene EMS unit for a medical examination and treatment prior to being taken to the appropriate detention facility. Officers will follow the ambulance to the hospital.
2. Officers will consider the arrest circumstances and apply restraints after exercising due regard for the prisoner's illness or injuries. Appropriate restraints should be applied to ensure continuous custody of a prisoner unless an attending physician requests their removal.
3. The prisoner will remain the transporting officer's responsibility, and the officer will keep the prisoner under restraint and/or direct observation, unless the prisoner has been



received by Grady Detention and responsibility has been transferred to Grady Detention Staff.

4.21.3 Handicapped Prisoners

Special care should be used when choosing transportation for handicapped prisoners.

1. Officers will consider the prisoner's particular circumstances and will apply appropriate restraints, both to ensure custody and to provide for the safe transportation of the prisoner.
2. Handicapped prisoners will generally be transported in a screened car. A wagon may be used if it is more appropriate under the circumstances.
3. If the prisoner presents a security hazard, apply restraints appropriate to the level of handicap and the potential security hazard.

4.21.4 Prisoners in Mental Crisis

Special care should be used when choosing transportation for someone who is experiencing mental crisis and who is under arrest. When transporting a prisoner in mental crisis, the arresting officer will:

1. Act as the transporting officer. If the prisoner is acting violent, the person should be transported in a prisoner transport vehicle and the arresting officer will follow the vehicle to Grady Hospital.
2. Evaluate the potential for violence and use restraining devices as needed, both to ensure custody and to provide for the safe transportation of the prisoner.

4.22 PRISONER ESCAPES DURING TRANSPORT

4.22.1 If an escape occurs within the City of Atlanta jurisdiction, the transporting officer will:

1. Notify the communications dispatcher and immediate supervisor and provide the escapee's name, description, location, direction, mode of travel, and the nature of the charges. (CALEA 6th ed. Standard 70.1.7a)
2. Search the immediate area and attempt to apprehend the escapee. (CALEA 6th ed. Standard 70.1.7c)
3. Prepare a supplement to the original arrest report, which gives the details of the escape. (CALEA 6th ed. Standard 70.1.7b)

4.22.2 The transporting officer's immediate supervisor will respond to the scene and conduct a preliminary investigation and forward a copy of the escape report through the chain of command to the Office of Professional Standards for review and possible further investigation.

4.22.3 If an escape occurs outside the City of Atlanta's jurisdiction, the transporting officer will Notify their immediate supervisor and:

1. Notify the local jurisdiction's law enforcement agency by radio or telephone and provide the escapees name, description, location, direction and mode of travel, the nature of the charges, and request assistance.
2. Search the immediate area and attempt to apprehend the prisoner.
3. Request that agency to investigate any criminal acts committed by the prisoner during the escape.



4. Ensure that all appropriate lookouts are placed, including NCIC and GCIC.
5. Complete a supplement to the original arrest report giving the details of the escape and forward it to their immediate supervisor upon returning to the City.

- 4.22.4 The transporting officer's immediate supervisor will review the incident report detailing the escape and forward it through the chain of command to the Office of Professional Standards for review and possible investigation.

4.23 SPECIAL SITUATIONS

Requests received by the Department for the transporting of prisoners from the jail for non-judicial matters, such as attending funerals, visiting hospitals and critically ill persons, or attending the reading of a will, will be forwarded to the appropriate detention facility for action. (CALEA 6th ed. Standard 70.3.3)

4.24 UNUSUAL SECURITY RISKS

- 4.24.1 If a prisoner being transported represents an unusual security risk, the transporting officer will notify their immediate supervisor.
- 4.24.2 The immediate supervisor will contact the receiving agency or court to determine if any additional precautions or security measures should be taken.
- 4.24.3 Unusual security risks may include, but are not limited to prisoners who are extremely violent and pose significant danger to the transporting officer(s):
1. Prisoners who present a high risk for escape.
 2. Prisoners whose transport may gather a high degree of public attention (due to their notoriety or popularity), etc. (CALEA 6th ed. Standard 70.1.8)

4.25 EXTRADITION OR LONG-DISTANCE TRANSPORT

- 4.25.1 For the conditions in which the Atlanta Police Department will transport prisoners due to extradition, refer to APD.SOP.5060 "Fugitive."
- 4.25.2 In addition to the following requirements, sworn employees transporting a prisoner over a long distance will adhere to the prisoner transportation procedures listed above.
- 4.25.3 During long distance transports, care will be taken when stopping for fuel and meals or for allowing the detainees reasonable opportunities to use toilet facilities. Locations should be alternated and randomly selected.
- 4.25.4 Sworn employees transporting a prisoner over a long distance will remain aware that the possibility of diversionary tactics, whether instigated by persons attempting to free the detainee, may divert the transport officer's attention and place the detainee in jeopardy or enhance chances for escape.



5. DEFINITIONS

Body Cavity Search: Manual internal inspection or search of a person's internal body cavities.

Field Search: A search of the arrestee at the time of arrest for the officer to seize any weapons or contraband. The scope of this search will include a frisk or pat-down of the arrestee's clothing and a search of the arrestee's pockets, socks, shoes, hair, and waistband.

Foreign national: A citizen or subject of a country other than the United States, or another person claiming the protection of a country other than the United States or a person presenting a passport or international driver's license.

Positional Asphyxiation: A position which causes air flow through the trachea and/or blood flow in the blood vessels of the neck to be compromised; a position whereas the chest cavity cannot expand to support adequate breathing due to additional body weight while lying in the prone position.

Probable Cause: That set of facts and circumstances that would lead a reasonable and prudent person to believe that a crime has been committed or is being committed and that the person in question is involved in a significant manner. It is more than mere suspicion, but less than actual certainty.

Reasonable Articulate Suspicion to Detain: Reasonable suspicion based on articulable facts and circumstances, which, taken together with reasonable inferences considering an officer's training and experience, would cause an officer to conclude that a person is, has been, or is about to be, involved in criminal activity.

Reasonable Articulate Suspicion to Frisk: Reasonable suspicion based on articulable facts and circumstances, which, taken together with reasonable inferences considering an officer's training and experience, would cause an officer to conclude that a person is armed with a weapon and presently dangerous.

Self-initiated calls: A request for police intervention whereby an officer was not dispatched for service but rather took it upon him or herself to initiate the police intervention.

Strip Search: Removal of clothing to permit visual search and inspection of a person's body.

6. CANCELLATIONS

APD.SOP.3030 "Arrest Procedures", effective September 9th, 2024

7. REFERENCES

November 29, 2018, Order in Calhoun, et al. v. Pennington, et al. 1:09-CV-3286-TCB.
"Department of State Guidelines Regarding Foreign Nationals Arrested or Detained in the United States," October 1, 1992.

Form APD 443 Notifying form Consular Officials of Arrests or Detentions

Commission on Accreditation for Law Enforcement Agencies (CALEA), 6th ed. Standards 1.1.4, 1.2.5, 1.2.6, 41.1.3, 41.3.3, 70, 71 & 74.3.1



ARRESTING A NON-U.S. CITIZEN

Consular Notification Process

Q: Are you a U.S. citizen?

A. "YES, I am a U.S. citizen."

(No further action required.)



A. "NO, I am not a U.S. citizen."



Q: Are you a national of one of these countries?

Albania	Costa Rica	Kazakhstan	Romania	Tonga
Algeria	Cyprus	Kiribati	Russia	Trinidad and Tobago
Antigua and Barbuda	Czech Republic	Kuwait	St. Kitts and Nevis	Tunisia
Armenia	Dominica	Kyrgyzstan	St. Lucia	Turkmenistan
Azerbaijan	Fiji	Malaysia	St. Vincent and the Grenadines	Tuvalu
Bahamas	Gambia	Malta	Seychelles	Ukraine
Barbados	Georgia	Mauritius	Sierra Leone	United Kingdom ¹
Belarus	Ghana	Moldova	Singapore	Uzbekistan
Belize	Grenada	Mongolia	Slovakia	Zambia
Brunei	Guyana	Nigeria	Tajikistan	Zimbabwe
Bulgaria	Hungary	Philippines	Tanzania	
China ¹	Jamaica	Poland ²		

1. Includes Hong Kong and Macao. For consular notification purposes, does not include Taiwan (a Taiwan passport may bear the name "Republic of China").

2. Mandatory only for non-permanent residents in the United States (i.e., those not holding a "green card"); for green card holders, notification is upon request.

3. UK includes Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos islands. Residents' passports bear the name of their territory and may also bear the name "United Kingdom." Whether or not the passport bears the name "United Kingdom," consular services for these persons are provided by UK consulates.

A. "YES"

STEP 1. Inform detainee that they may communicate with embassy/consulate, and that you must notify the embassy/consulate of arrest/detention.

STEP 2. Notify nearest embassy/consulate without delay.

STEP 3. Make record of notification in case file. Where email or fax is sent, keep confirmation.

STEP 4. Allow consular officers access to detainee if they subsequently request access.

(No further action required.)



A. "NO"

Inform detainee, without delay, that they may have the embassy/consulate notified of arrest/detention.



IN ALL CASES:

Do not inform embassy/consulate about detainee's refugee or asylum status.

Detainee may communicate with consular officer and may request consular access at any time (whether previously declined or not).

Contact Us:
U.S. Department of State
Consular Notification & Access
ConsNot@state.gov
Diplomatic Security
After Hours
(571) 345-3146

Q: Do you want your embassy/consulate notified of your arrest/detention?

A. "YES"

STEP 1. Make note in case file.

STEP 2. Notify nearest embassy/consulate without delay.

STEP 3. Make record of notification in case file. Where email or fax is sent, keep confirmation.

STEP 4. Allow consular officers access to detainee if they subsequently request access.

(No further action required.)



A. "NO"

STEP 1. Make note in case file.

STEP 2. Do not inform the embassy/consulate.

(No further action required.)



Scan for more info



For more information visit: travel.state.gov/CNA