




Clayton County Police Department

PROCEDURES

Subject DIPLMATIC & CONSULAR NOTIFICATION			Procedure # D39
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I. PURPOSE

To establish procedures for the handling of persons with diplomatic or consular immunity privileges or foreign nationals, and when dealing with persons who have immunity from arrest under the law.

II. POLICY

It shall be the policy of the Clayton County Police Department (CCPD) to handle all contacts with persons claiming diplomatic or consular immunity or foreign nationals, in accordance with guidelines established by the United States (U.S.) Department of State and international law.

III. DEFINITIONS

Alien: An alien is the same as a foreign national; any person who is not a citizen or national of the United States.

Consular Official: An official of a foreign government accredited by the U.S. Department of State and authorized to provide assistance on behalf of that government to that government's citizens in another country, regardless of whether a consular officer is assigned to a consular section of an embassy in Washington, D.C., or to a consular office maintained by the foreign government at a location in the United States outside of Washington, D.C. For other purposes, the officer assigned to an embassy is a "diplomatic officer." The terms "consular officer", "consul" and "consular official" mean the same thing, for purposes of the issues discussed in this policy.

Diplomatic Immunity: A principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their personal activities.

Foreign National: A foreign national is any person who is not a citizen or national of the United States.

Honorary Consul: An honorary consul is a U.S. citizen or an alien who is a lawful permanent resident of the United States who has been authorized by a foreign government to perform consular functions on its behalf in the United States.

Immunity: A legal barrier which precludes U.S. courts from exercising jurisdiction over cases against persons who enjoy it and in no way releases such person from the duty, embodied in international law, to respect the laws and regulations of the United States. It does not mean pardon, total exoneration or release from the responsibility to comply with the law.

IV. INTRODUCTION

Federal and state laws provide that under certain circumstances, individuals may be immune from arrest. Furthermore, with the limited exception of certain diplomatic officials, immunity from arrest does not preclude prosecution of the individual for the offense for which immunity from arrest is claimed. In all cases in which the immunity is claimed, an officer has the right to detain the person long enough to verify that the person is entitled to the immunity claimed. This can usually be done by examination of official identification cards. The officer may also request assistance from the dispatcher in contacting the appropriate government agency to verify the individual's status. **In all cases in which a person asserts immunity from arrest, the detaining officer will immediately notify their supervisor.**

V. LEGAL AND PRACTICAL BASIS OF IMMUNITY

- A. The special privileges and immunities accorded foreign diplomatic and consular representatives assigned to the United States (hereinafter referred to as U.S.) reflect rules developed among the nations of the world regarding the manner in which civilized international relations must be conducted. The underlying concept is that foreign representatives can carry out their duties effectively only if they are accorded a certain degree of insulation from the application of standard law enforcement practices of the host country.
- B. Diplomatic immunity does not exempt diplomatic officials from the obligation of conforming to national and local laws and regulations. Diplomatic immunity is not intended to serve as a license for persons to flout the law and purposely avoid liability for their actions. The purpose of these privileges and immunities is not to benefit individuals but to ensure the efficient and effective performance of their official missions on behalf of their governments.
- C. While officers are obliged, under international customary and treaty law, to recognize the immunity of the envoy, they must not ignore or condone the commission of crimes.

VI. PERSONS ENTITLED TO PRIVILEGES AND IMMUNITIES

There are many representatives of foreign governments, including dependents, in the U.S. Many of these persons may be entitled to some degree of immunity under international law. Some are members of diplomatic missions, others are assigned to consular posts, and still others are employees of international organizations or members of national missions to such international organizations. For each of these categories of persons, particular rules apply and, even within these categories, different levels of immunity may be accorded to different classes of persons.

A. Diplomatic and Consular Immunity

Under Federal law, diplomatic and consular officials, members of their official staff, officials of international organizations such as the United Nations and family members of such officers will be accorded their respective privileges, rights and immunities as provided by the treaties and laws of the U.S.

- 1. All personnel will treat these officials with the utmost courtesy and respect that befits their distinguished position if, for no other reason, that the treatment which foreign diplomatic and consular officials receive from the Department can directly affect how U.S. diplomatic and consular officials are treated in the foreign country.
- 2. It is a well-established principle of international law that persons enjoying such privileges and immunities are to respect local laws and regulations. Any incident involving persons claiming diplomatic or consular immunity or a family member of a diplomatic or consular official will be reported immediately through the chain of command. It is the policy of the Department to report all such incidents to the U.S. Department of State for such diplomatic actions as may be appropriate.
- 3. Because diplomatic and consular immunity may be waived or withdrawn by the foreign government, it can never be ascertained with certainty at the investigative stage that a

person asserting immunity will continue to enjoy that immunity when their government is confronted with allegations of criminal conduct or that the accused will not later become subject to prosecution. Therefore, all serious incidents (i.e., felonies, DUI's and misdemeanors involving death or serious bodily harm) involving persons with diplomatic or consular immunity will be referred to the Clayton County District Attorney, or authorized designee (hereinafter referred to as DA), for prosecution.

4. Where, however, persons entitled to diplomatic/consular immunity present a clear, present and actual danger to themselves or others or it is apparent that a serious crime may be committed, an officer may take such reasonable actions necessary to protect public safety and the person entitled to immunity or to halt the illegal activity. This naturally includes the power of an officer to defend themselves from personal harm. In all such cases, a supervisor must be called and the U.S. Department of State contacted immediately.

B. Diplomatic Immunity

1. Under Federal law, heads of a mission of a foreign government to the U.S. (usually called the Embassy) and the United Nations Headquarters in New York, members of the diplomatic, administrative and technical staff of the mission and members of their family household are "not liable to any form of arrest or detention." Generally, this does not extend to U.S. citizens who are employed by an embassy.
2. Persons entitled to diplomatic immunity are entitled, by law, to be treated with "due respect" and appropriate steps must be taken to prevent any attack on their person, freedom, or dignity.
3. Under normal circumstances, this means that a person who establishes that they are entitled to diplomatic immunity, cannot be arrested or tried for any criminal offense unless such immunity is expressly waived by the foreign government. As indicated above, immunity continues only as long as the person is accredited as such to the U.S.

C. Consular Immunity

1. In addition to members of their embassy staff, foreign governments may, with the approval of the U.S., establish consular officials to provide consular services to their foreign nationals in the U.S. and to represent them in trade matters. Under Georgia law, officials of the Atlanta office of the Coordination Council for North American affairs of the Republic of China (also known as Taiwan) are entitled to the same protections and immunities as career consuls.
There are two (2) types of consular officials: career consuls and honorary consuls.
 - a. Career consuls are normally full-time employees of the foreign government.
 - b. Honorary consuls may be a citizen of the foreign government who has residency in the U.S. or a U.S. citizen.
2. In the absence of a specific treaty, consular officials are not entitled to diplomatic immunity, but they are entitled to consular immunity which is more limited than diplomatic immunity.
3. Consular Officials Entitled to Consular Immunity
 - a. Included are consul-generals, deputy consul-generals, consuls, vice-consuls and consular agents who are official representatives of a foreign government accredited to the U.S.
 - b. Consular officials may be arrested or detained pending trial, only if the offense is a felony and the arrest is made pursuant to a warrant. They cannot be placed under arrest for a felony without a warrant and cannot be placed under arrest for a misdemeanor even with a warrant.
 - c. Notwithstanding the above restrictions on arrest, consular officials are subject to criminal prosecution by the courts of this State except for acts which are performed within the scope of consular duties.

4. Honorary Consuls

Honorary consuls are not entitled to immunity from arrest or detention. They are subject to the civil or criminal jurisdiction of the courts of this State unless they were performing official acts in the exercise of their consular function.

5. Family Members

Family members of consular officials are not entitled to immunity but will be treated with appropriate courtesy and respect. Incidents involving family members of consular officials will be reported through the chain of command the same as for consular officials.

6. Consulates and Consular Premises

- a. Consulates and consular premises are inviolable. This means that law enforcement and other government officials cannot enter that portion of the consular premises "which is used exclusively for the work of the consular post except with the consent of the consular post, or their designee or the head of the diplomatic mission of the sending state." Consulates are required to be clearly marked. If, in the case of an honorary consul, the consular premises are within a building or office used for other purposes, only that portion of the structure which is clearly marked cannot be entered.
- b. In the event of a fire or other emergency, the consent of the head of the consular post is assumed and officials may enter for the purpose of dealing with the emergency. Any emergency entry into a consulate will be immediately reported to the Chief of Police, DA and the U.S. State Department by telephone.
- c. Except in an actual emergency, the decision to enter a consulate for law enforcement purposes, without the consent of the head of the consular post will be made only by the Chief of Police after consultation with the DA and the U.S. State Department. The Department will strictly abide by the guidance received from the U.S. State Department.
- d. A violation of this section may result in prosecution of the officer under 18 U.S.C. § 112.
- e. Diplomatic and Consular Pouches
 - 1) A diplomatic or consular pouch is a container (of any size) used to transport official communications (including equipment needed for communication). It is required to be clearly marked as such.
 - 2) A diplomatic or consular pouch **will not** be opened by any officer under any circumstance. If an officer has probable cause to believe that a diplomatic or consular pouch is being used in furtherance of crime, all of the facts will be reported to their supervisor who will contact the U.S. State Department Bureau of Diplomatic Security.

VII. PROCEDURES

A. General

Personal inviolability is enjoyed to some degree by a majority of foreign diplomatic and consular personnel. This inviolability generally precludes handcuffing, arrest, or detention in any form and forbids U.S. authorities from entering the residences, automobiles, or other property of protected persons. Personal inviolability is, however, qualified by the understanding, well established in international practice that the host country does not give up its right to protect the safety and welfare of its populace and retains the right, in extraordinary circumstances, to prevent the commission of a crime. Thus, in circumstances where public safety is in imminent danger or it is apparent that the grave crime may otherwise be committed, police authorities may intervene to the extent necessary to halt such activity. This naturally includes the power of the police to defend themselves from personal harm.

- B. In all cases where officers encounter a person who is known to be entitled to or asserts diplomatic or consular immunity, the person will be treated with the courtesy and respect that

benefits their distinguished position and officers shall notify their supervisor immediately. It is the duty of the supervisor to contact the U.S. State Department immediately to verify the person's status and seek official guidance.

C. Consular officials may only be arrested for a felony pursuant to a warrant issued by a judge.

D. Traffic Law Violations

1. Under international law, the issuance of a traffic citation **does not** constitute an arrest or detention. Therefore, the officer on the scene may, after ascertaining that the official has the proper credentials, issue a warning or issue a *Uniform Traffic Citation (UTC)*, based on the nature of the offense. However, the official cannot be compelled to sign the *UTC*.
2. A copy of the *UTC*, along with an *Incident Report* will be forwarded through the chain of command to the Diplomatic Motor Vehicle Office (DMVO) of the U.S. States Department of State's Office of Foreign Missions, using the following contact information:

<p>Mail: 3507 International Place, NW, Washington, D.C. 20522 Phone: (202) 895-3521 (M-F 0900-1700 EST) (866) 217-2089 (after hours) FAX: (202) 895-3646 Email: ofmdmvenforcement@state.gov</p>
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3. Traffic Accidents

- a. If a motor vehicle involved in a traffic collision: (1) was operated by a person who had verified diplomatic or consular status, or (2) bears diplomatic or consular motor vehicle license plates issued by the U.S. Department of State, a copy of the *Accident Report*, together with a copy of any *UTC* issued to the person entitled to diplomatic or consular status and the *Incident Report* of the incident will be forwarded through the chain of command to the U.S. Department of State's Diplomatic Motor Vehicle Office (DMVO) using the following contact information:

<p>Mail: 3507 International Place, NW, Washington, D.C. 20522 Phone: (202) 895-3521 (M-F 0900-1700 EST) (866) 217-2089 (after hours) FAX: (202) 895-3646 Email: ofmdmvenforcement@state.gov</p>
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- b. Vehicles issued U.S. Department of State license plates are required to be covered by liability insurance.

4. DUI and other Offenses where the Safety of the Official or Public is Involved

- a. The primary consideration in Driving Under the Influence (DUI) cases and other more serious offenses is to ensure that the official is not a danger to themselves or the public. At best, these are sensitive situations and the officer must treat the official with respect and courtesy. If it is necessary to restrain the official to prevent them from harming themselves, or others, the officer is authorized to do so. Once the official is restrained the officer shall notify their supervisor as soon as possible to inform them of the situation.
- b. If the supervisor determines that a diplomatic or consular official is a danger to themselves or others, the supervisor may direct that the official be taken to a precinct or another location where phone calls and/or arrangements can be made to have the official transported back to their residence or other authorized location.
- c. In cases involving a motor vehicle or boat operated by a person asserting diplomatic or consular immunity who the officer believes to be intoxicated, the officer may ask the individual to perform field sobriety tests the same as any other driver while awaiting verification of the status claimed. Under no circumstances will an officer permit a person who is entitled to immunity from arrest to continue to operate a motor vehicle or boat if the officer has probable cause to believe that the person is under the influence of alcohol or drugs.

- d. If the incident involves a person entitled to diplomatic immunity, the supervisor will contact the U.S. Department of State, Office of the Chief of Protocol by telephone immediately and advise them of the situation. The Office of the Chief of Protocol may be reached by calling the following telephone numbers:

Phone: (202) 647-1727 (M-F, 0900-1700 EST) or (866) 217-2089 (after hours)

- e. A full written report will be submitted within twenty-four (24) hours through the chain of command to:

Mail: U.S. Department of State, Office of the Chief of Protocol
2201 C Street NW Room 1238, Washington, D.C. 20520

- f. For consular officials, a full report will be submitted through the chain of command to the U.S. Department of State, Office of the Chief of Protocol, using the above address.

5. Protection

- a. If a person asserting or entitled to diplomatic or consular immunity presents a clear, present, and actual danger to themselves or others, officers may take such reasonable actions as may be necessary to protect public safety and the person entitled to immunity or to prevent further illegal activity.
- b. If it necessary to physically restrain a diplomatic or consular official (i.e., handcuffs), the officer will, after taking appropriate action, explain to the official why they are being restrained and that they will be released from such restraint as soon as they are no longer a danger to themselves or others. The officer restraining such official will notify their supervisor as soon as possible.
- c. The responding supervisor will immediately contact the U.S. Department of State, in the event a diplomatic or consular official must be restrained. The supervisor will also report the incident through the Department's chain of command and notify the DA.
- d. Use of excessive force or use of force where there was no clear, present and actual danger to the person entitled to immunity or others may result in the prosecution of the officer under Federal law.

6. Possession of Contraband

- a. If a person asserting diplomatic or consular immunity is in possession of contraband (i.e. controlled substances), the officer may seize the contraband.
- b. Any such seizure will be immediately reported to a supervisor. The supervisor will contact the DA and the U.S. Department of State, Office of the Chief of Protocol by telephone immediately and advise them of the situation. The U.S. Department of State, Office of the Chief of Protocol may be reached by calling the following telephone numbers:

Phone: (202) 647-2663 (M-F, 0900-1700 EST) or (202) 647-1512 (after hours)

A full written report will be submitted within twenty-four (24) hours through the chain of command to:

Mail: U.S. Department of State, Office of the Chief of Protocol
2201 C Street NW Room 1238, Washington, D.C. 20520

7. Verification of Status

Persons claiming diplomatic or consular immunity are required to produce satisfactory evidence of their official status.

- a. The U.S. Department of State issues identification cards to diplomatic officials, consular agents and officials of international organizations accredited to the U.S. On the back of each card is an explanation of the immunity to which the official is entitled and telephone numbers which may be called to verify status.

- b. The U.S. Department of State issues motor vehicle operator permits (driver's licenses) to persons entitled to diplomatic or consular immunity and functions similarly to the Georgia Department of Driver Services with regard to these licenses. Driver's licenses issued by the U.S. Department of State will not be relied on as conclusive proof of the immunity of the bearer.
- c. The U.S. Department of State issues motor vehicle plates (license tags) for vehicles operated by persons entitled to diplomatic and consular immunity.
 - 1) These tags are red, white and blue in color. The status of the vehicle is indicated by a letter code.

D = Diplomatic Vehicle; **S** = Diplomatic Staff Vehicle; **C** = Consular Vehicle;
A = United Nations/Organization of American States Vehicles; and **E** = Other Foreign Missions

- 2) Information regarding the vehicle and registered owner is available through GCIC/NCIC the same as out- of – state plates. Use State code “US”.
 - 3) In addition, the Georgia Department of Revenue may issue consular license plates for vehicles registered and operated in Georgia by career or honorary consuls.
 - 4) License plates issued by the U.S. Department of State or the State of Georgia will not be relied on as conclusive proof of the immunity of the bearer, but only as an indication that the vehicle may be operated by someone entitled to diplomatic or consular immunity.
- d. In any situation in which an official asserting immunity cannot produce satisfactory evidence thereof, or the officer wishes to confirm the status claimed, the U.S. Department of State should be contacted. If the official has an identification card issued by the U.S. Department of State, contact information should be listed on the back of the card. If not, use the following contact information:

REGULAR HOURS (M-F, 0900-1700)

Taiwanese diplomats/officials (TERO/TEC): **Phone:** (703) 525-8474

United Nations diplomats/officials: **Phone:** (212) 415-4168, (212) 415-4407 or (212) 415-4300

All other diplomats/consuls/officials: **Phone:** (202) 647-1985 or (202) 647-1727

AFTER HOURS

United Nations diplomats/officials: **Phone:** (212) 415-4444

All other diplomats/consuls/officials (including Taiwanese): **Phone:** (571) 345-3146 or (866) 217-2089

- e. Verification of U.S. Department of State driver's licenses and motor vehicle registration may be obtained through GCIC/NCIC (State Code is “US”) or by calling:

Phone: (202) 895-3521 (M-F 0900-1700), (571) 345-3146 (after hours) or (866) 217-2089 (after hours)

E. Official Guests of the U.S.

Official guests of the U.S. are foreign nationals who are in the U.S. and are so designated by the U.S. Secretary of State.

Note: Except at large events, such as the Olympics, persons designated as official guests of the U.S. may be accompanied by a representative of the U.S. State Department.

- 1. Official guests can include:
 - a. Foreign government officials;
 - b. Olympic athletes, coaches and trainers;
 - c. Members of the International Olympic Committee accredited to the games;
 - d. Members of National Olympic Committees accredited to the games;
 - e. Members of International Sports Federations accredited to the games;

- f. Immediate family members of official guests, and
 - g. Foreign officials accredited to the games.
2. Official guests do not have immunity, but will be treated with courtesy and respect. A supervisor should be contacted immediately for any incident involving an official guest. The supervisor will, in turn, contact the DA's office or, in the case of misdemeanors, the Clayton County Solicitor's Office.
 3. The supervisor will submit the *Incident Report* of any incident in which a person designated as an official guest of the U.S is involved (either as an accused, victim or witness) through official the chain of command to:

Mail: U.S. Department of State, Office of the Chief of Protocol
 2201 C Street NW Room 1238, Washington, D.C. 20520
Phone: (202) 647-2663 (M-F, 0900-1700), (202) 647-1512 (after hours)
FAX: (202) 647-4080 **Email:** protocolhelp@state.gov

4. Verification of an individual's status as an official guest may be obtained from:

U.S. Department of State, Office of the Chief of Protocol
Phone: (202) 647-2663 (M-F 0900-1700) or (202) 647-1512 (after hours)

F. Diplomats, Consuls or Official Guests as Victims or Witnesses to a Crime

1. If a diplomat, consul or official guest of the U.S is a victim of a crime, the officer will immediately contact a supervisor.
2. It is the responsibility of the supervisor to immediately contact:
 - a. In the case of diplomats, official guests, and consular (except honorary consuls), the regional office of the F.B.I. and the U.S. State Department command post by phone at (571) 345-3146 or (866) 217-2089. The F.B.I. has primary jurisdiction over offenses committed against diplomats and official guests. The DA should also be contacted.
 - b. In the case of an honorary consul, the DA and the U.S. Department of State should also be contacted.
3. If a diplomat, career consul or official guest is a witness to a crime, a supervisor will be notified.
 - a. A person entitled to diplomatic or consular immunity may not be detained as a witness, but the officer should promptly obtain the witness's name and a telephone number where the official may be contacted later.
 - b. The supervisor will notify the DA in writing as soon as possible that one (1) of the witnesses is a diplomat, consul or official guest. Any interviews with the witness will be coordinated through the DA's office.
4. By law, diplomats and consuls can appear as a witness only with the prior consent of their government.

G. Foreign Nationals as Victims or Witnesses to a Crime

1. If a foreign national is a victim or witness in a crime, the investigating officer will determine if the individual anticipates traveling out of the State of Georgia within the next six (6) months. If the foreign national indicates that they will be traveling out of Georgia or the officer has reason to believe that the individual may leave the state, the DA's office will be immediately contacted in order that the testimony of the individual may be recorded.
2. If the foreign national is unable to communicate in English, a supervisor will be contacted and every effort will be made to obtain a translator. The investigating officer will include the name, address, telephone number and relationship of the translator to the victim/witness in the *Incident Report* or *Supplemental Report*.

H. Defection and Requests for Asylum

1. Defections and requests for political asylum by foreign nationals are highly sensitive and may affect the relations between a foreign government and the U.S. as well as the treatment of U.S. citizens who travel outside the U.S. It is the policy of the CCPD, that all officers will handle any request for asylum or a defection with speed, tact and resolution.
2. If an officer is approached by a foreign national who: (1) requests asylum in the U.S., or (2) indicates that they want to defect to the U.S., the officer will:
 - a. Contact their immediate supervisor and request the supervisor come to the scene immediately. If communication is by non-secure means (i.e., radio), do not indicate the reason.
 - b. Take the person into protective custody and permit no one to interfere with the situation. It is important that the officer protect the person from harassment or forceful repatriation.
 - c. Release the person only to the supervisor or a representative from a federal agency approved by the supervisor.
 - d. Prepare an *Incident Report* on the incident.
3. A supervisor, upon learning that a foreign national has approached an officer and (1) requested asylum in the U.S., or (2) indicated that they want to defect to the U.S., the supervisor will:
 - a. Immediately contact the U.S. Immigration and Customs Enforcement (ICE) by secure means: contact information shown below.

<p>Mail: U.S. Immigration and Customs Enforcement (ICE) SAC Atlanta, 1100 Centre Parkway, Atlanta, GA 30344 Phone: (404) 346-2300 FAX: (404) 346-2374; or Mail: U.S. Immigrations and Customs Enforcement (ICE) - Law Enforcement Support Center (LESC) 188 Harvest Lane, Williston, VT 05495 Phone: (802) 872- 6050 (24/7)</p>

- b. Take the person into protective custody and transport the person to a secure location designated by U.S. Immigration and Customs Enforcement (ICE) or to a precinct or headquarters.

VIII. IDENTIFYING DOCUMENTS – U.S. DEPARTMENT OF STATE (DOJ) IDENTIFICATION CARDS

A. General

1. The only authoritative identity document is the identity card issued by the U.S. Department of State, the U.S. Mission to the United Nations in the case of persons accredited to the United Nations, and the American Institute in Taiwan for the employees of TECRO/TECO.
2. The identification cards are 3-7/16" x 2-3/16" and contain a photograph of the bearer. The bearer's name, title, mission, city and state, date of birth, identification number, and expiration date appear on the front of the card. The U.S. Department of State seal appears on the back of the card. A brief statement of the bearer's criminal immunity, if any, is printed on the reverse side.
3. While these forms of identification are generally to be relied upon, officers should immediately seek to verify the document in connection with any serious incident or in any case where they have reason to doubt the validity of the card. Officers should be alert to the fact that newly arrived members of diplomatic and consular staffs may not yet have these official identity documents and should contact the U.S. Department of State, Office of the Chief of Protocol, for verification purposes if confronted with such situations.

B. Diplomatic and Embassy Staff Identification Cards

1. Blue bordered cards are issued to Ambassadors/Chiefs of Mission/Deputy Chiefs of Mission and their families. They are entitled to full criminal immunity and may not be arrested or detained.

2. Blue bordered cards are issued to diplomatic agents and their families. They are entitled to full criminal immunity and may not be arrested or detained.
 3. Green bordered cards are issued to embassy administrative and technical staff employees and their families. This card signifies that the bearer is entitled to full criminal immunity and may not be arrested or detained.
 4. Green bordered cards are issued to embassy service staff employees. This card signifies that the bearer is entitled to immunity for official acts only.
- C. United Nations (UN) Identification Cards
1. Blue bordered cards are issued to UN diplomatic officers and their eligible family members. They are entitled to full criminal immunity and may not be arrested or detained.
 2. Green bordered cards are issued to support staff at UN permanent missions. They are entitled to immunity for official acts only and are not immune from arrest or the issuance of a *Uniform Traffic Citation (UTC)*.
- D. Consular Identification Cards
1. Red bordered cards are issued to career consular officers. This card signifies that the bearer is entitled to immunity for official acts only.
 2. Red bordered cards are issued to career consular employees. This card signifies that the bearer is entitled to immunity for official acts only.
 3. Red bordered cards are issued to consular officers/employees and their families from countries with which the U.S. has special agreements. They are entitled to full criminal immunity and may not be arrested or detained.
 4. Red bordered cards are issued to honorary consular officers. This card signifies that the bearer is entitled to limited immunity for official acts only.
 5. Red bordered cards are issued to family members of consular officers at consulates. The bearer is not entitled to immunity but should be treated with due respect.
- E. American Institute in Taiwan Identification Cards
1. Green bordered cards are issued to employees at the Taipei Economic and Cultural Representative Office (TECRO). The bearer is entitled to full criminal immunity and may not be arrested or detained.
 2. Green bordered cards are issued to the family members of TECRO – designated employees. The bearer is entitled to full criminal immunity and may not be arrested or detained.
 3. Red bordered cards are issued to the head and deputy head of the Taipei Economic and Cultural Offices (TECO). The bearer is entitled to immunity for official acts only but may not be arrested or detained pending trial except on a warrant for a felony offense punishable by at least one (1) year in jail.
 4. Red bordered cards are issued to the employees other than the head or deputy head of a TECO office. The bearer is entitled to immunity for official acts only.
 5. Red bordered cards are issued to the family members of TECO – designated employees. The bearer is not entitled to immunity but should be treated with due respect.
- F. To view samples of U.S. Department of State-issued identification cards, driver's licenses and other identifying documents refer to the *United States Department of State Office of Foreign Affairs Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities Booklet*. The booklet is available on the U.S. Department of State Information for Law Enforcement webpage (i.e., <https://www.state.gov/information-for-law-enforcement>) or officers can access this information by clicking on the link shown below.

<https://2009-2017.state.gov/documents/organization/149734.pdf>

IX. VIENNA CONVENTION ON CONSULAR RELATIONS (VCCR)

- A. The (VCCR) is an international treaty, which spells out procedures to be followed when a foreign national is arrested or detained. The U.S. is a signatory to the VCCR. Under the Constitution, any treaty entered into by the U.S. becomes the “supreme law of the land”.
- B. The VCCR requires that a foreign national be advised that they have the right to have their consulate notified of their arrest. Depending on the country of residence, it may be mandatory to notify that consulate. Once notified, the arrestee is entitled to communicate with their consulate.
- C. In some cases, the nearest consular officials **must** be notified of the arrest or detention of a foreign national, regardless of the national’s wishes.
- D. Consular officials are entitled to access to their nationals in detention and are entitled to provide consular assistance.

X. ARREST OF FOREIGN NATIONALS

Occasionally, officers will arrest individuals who are not U.S. Citizens. While these individuals do not have immunity from arrest, it is required by treaty that when foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified. In some cases, the nearest consular officials must be notified of the arrest and detention of a foreign national, regardless of the national’s wishes. Consular officials are entitled to access to their nationals in detention, and are entitled to provide consular assistance.

- A. When a non-U.S. citizen is arrested by the CCPD, the arresting/transporting officer shall advise the Clayton County Sheriff’s Office booking personnel of the foreign national arrestee’s claims.

B. Obligation Triggered at Time of Booking

The notification process will normally begin at the time the arrested foreign national is booked into the Clayton County Jail. The Clayton County Sheriff’s Office booking personnel who processes the foreign national is responsible for implementing the notification process.

- C. A brief traffic-stop or an arrest resulting in a *Uniform Traffic Citation (UTC)* for a misdemeanor and release on a copy of charges does not trigger such requirements.

D. Steps to Follow When a Foreign National is Arrested or Detained

In the event, officers have to make notifications, they shall adhere to the following:

1. Determine the foreign national’s country of nationality. In the absence of other information, assume this is the country on whose passport or other document the foreign national is traveling.
2. If the foreign national’s country is **not** on the list of “mandatory notification” (“list”) countries and jurisdictions:
 - a. Officers shall use the *CCPD Officer’s Statement Form: For All Foreign Nationals Except Those From “Mandatory Notification” Countries* (refer to *Appendix A* of this procedure) to inform the foreign national, without delay, that they may have their consular officers notified and may communicate with them.
 - b. If the foreign national requests that their consular officers be notified, notify the nearest embassy or consulate of the foreign national’s country without delay.
 - c. Do **not** inform consulate about the foreign national’s refugee or asylum status.
 - d. Forward any communication from the foreign national to their consular officers without delay.
3. If the foreign national’s country is on the list of “mandatory notification” (“list”) countries:
 - a. Officers shall use the *CCPD Officer’s Statement Form: For Foreign Nationals From “Mandatory Notification” Countries* (refer to *Appendix B* of this procedure) to tell the

- foreign national, without delay, that such notification is being made and that they may communicate with the consulate.
- b. Notify the foreign national's nearest embassy or consulate, without delay, of the arrest or detention.
 - c. Do **not** inform consulate about the foreign national's refugee or asylum status.
 - d. Forward any communication from the foreign national to their consular officers without delay.
4. Keep a written record of:
- a. What information you provided to the foreign national and when.
 - b. The foreign national's requests, if any.
 - c. Whether you notified consular officers and, if so, the date and time and the means used to notify them (e.g., fax, email or phone). If fax or email was used to notify consular officers, the officer making such notification should keep the fax confirmation sheet or sent email correspondence in their records.
 - d. Any other relevant actions taken.
5. These steps should be followed for all foreign nationals, regardless of their immigration status.
6. Contact information for foreign embassies and consulates is available on the U.S. Department of State – Bureau of Consular Affairs website (i.e., travel.state.gov) or officers can access this information by clicking on the link (shown below).
<https://travel.state.gov/content/travel/en/consularnotification/ConsularNotificationandAccess.html>
7. For more detailed instructions and legal material, see the *United States Department of State Consular Notification and Access Manual*. The manual is available on the U.S. Department of State – Bureau of Consular Affairs website (i.e., travel.state.gov) or officers can access this information by clicking on the link (shown below).
<https://travel.state.gov/content/dam/travel/CNAtrainingresources/CNA%20Manual%205th%20Edition%20September%202018.pdf>
8. Questions may also be addressed to:

<p>Mail: U.S. Department of State CA/P, SA-17, 12th Floor, Washington, DC 20522-1712 Phone: (202) 485-7703 Email: constot@state.gov</p>

E. Release on Copy Using the Issuance of the Uniform Misdemeanor Citation (UMC)

If the offender is charged with one (1) of the following; O.C.G.A. § 16-7-21 (Criminal Trespass), O.C.G.A. § 16-8-14 (Shoplifting), O.C.G.A. § 16-8-41.1 (Refund Fraud), or O.C.G.A. § 16-13-30 (Misdemeanor Possession of Marijuana); they must be photographed, fingerprinted and checked through the Georgia Crime Information Center (GCIC). Prior to releasing the offender on a copy of the charge, the arresting officer shall review the offender's criminal record as such is on file with the Federal Bureau of Investigation (FBI) and the GCIC within the Georgia Bureau of Investigation (GBI) and, ensure that the offender's fingerprints are obtained, and shall seek to verify the immigration status of the accused pursuant to Code Section 17-5-100, "Investigation of Illegal Alien Status". For further information on this process, refer to CCPD SOP: *A8: Criminal Process & Arrest Procedures*.

XI. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *D39: Diplomatic and Consular Notification*, dated June 16, 2023.