

	Greenville, SC Police Department <b>GENERAL ORDER</b>		
	<b>Subject</b> Criminal Process and Arrest	<b>Number</b> 240A10	<b>Type</b> Operational
<b>Effective Date</b> 7/25/2025	<b>Amends/ Rescinds</b> 240A9	<b>Pages</b> 1 of 20	<b>Re-evaluation</b> Annual-September
<b>References</b> CALEA 1.1.4; 1.2.5; 74.1.1; 74.1.2; 74.1.3; 74.2.1; 74.3.1; 74.3.2;			<b>Notes</b> Removed Warrant Matrix and placed in GO 262 Special Operations.

## 1.0 POLICY

Greenville Police Department officers will diligently identify, locate and arrest violators of the law of the City of Greenville, the state of South Carolina and the United States, and also locate and arrest those persons wanted by law enforcement agencies and the courts. Greenville Police Department officers will:

- Efficiently and effectively maintain active warrants;
- Diligently serve active warrants;
- Be familiar with processes involving arrest with warrants;
- Be familiar with processes involving arrests without warrants;
- Be familiar with processes involving foreign diplomatic personnel and United States military personnel.

## 2.0 PROCEDURE

- 2.1 All criminal process will be executed by sworn officers only.
- 2.2 Officers of the Greenville Police Department do not serve civil process.
- 2.3 Arrest warrants issued for service in Greenville County, or sent from other jurisdictions, will be delivered as soon as possible to the City of Greenville Warrant Division Administrative Assistant to be recorded.
- 2.4 Warrants pertaining to on-going investigations of a sensitive nature may be issued, but not entered, into the warrant system. This will be done at the direction of the Chief of Police or designee as necessary.

- 2.5 Warrants may be issued out for service by officers after they have been recorded.
- 2.6 An arrest with a warrant may be served at any time; however, if the charge(s) on the warrant are of a very minor nature service or execution of the warrant will be made at a reasonable hour.
- 2.6.1 Officers may arrest a person they encounter during the course of their duties who is wanted on any outstanding warrant.
- 2.6.2 Officers will not wait to serve a warrant if any of the following criteria exist:
- The defendant is considered an escape risk and/or is likely to avoid service at a later time, and/or
  - The defendant is wanted on other charges, and/or
  - The defendant is a suspect in other cases, and/or
  - The defendant is in imminent danger of causing harm to himself or others, and/or
  - The defendant, unless immediately apprehended, may tamper with, dispose of, or destroy evidence, and/or
  - The defendant, unless immediately apprehended, may cause injury to the person or damage to the property of one or more other persons.
- 2.6.3 Warrant service attempts at residential locations between the hours of 2300 to 0700 will require supervisor approval.
- 2.6.4 Officers will make an effort to validate the subject of the arrest warrant still resides at a residential location prior to attempting warrant service.
- 2.7 Warrants for service may only be obtained in the City Warrant File cabinet located in the Communications Division.
- 2.8 All warrants signed out for service should be returned at the end of the working shift if not served unless they are turned over to the oncoming shift for service. In this case, warrants will be turned over to a supervisor for handling.
- 2.8.1 Supervisors will make the decision if warrants are to be taken on by the on-coming shift.
- 2.8.2 The supervisor will contact the supervision of the oncoming shift and deliver the warrant to them.



- 2.8.3 The Greenville Police Department Warrants Division or Public Safety Communications Division will be notified at once that the warrant has been transferred to another officer and the officer's unit number.
- 2.8.4 If the warrant is not served by the end of shift it will be turned back to the warrant file in the Public Safety Communications Division and signed back in.
- 2.9 Warrants will not be held by an officer for more than one working shift.
- 2.10 Juvenile Orders are entered into V-Connect by South Carolina Department of Juvenile Justice personnel. Juvenile Orders are printed by GPD Officers when they encounter the need to serve such an order.
- 2.11 All warrants issued by the Ministerial Judge's office will be reviewed to ensure they contain all necessary information. This information will include: the judicial officer's signature, the affiant's signature, the defendant's identity, description, and address, the case number (if applicable) and a completed affidavit.
- 2.12 The following information will be recorded for each warrant received by the Greenville Police Department Warrant Division:
- Date received;
  - Charge;
  - Source of document;
  - Warrant number;
  - Date of warrant;
  - All information given about the defendant;
  - Complainants name;
  - Officer issued to for service;
  - Date of issuance.
- 2.13 The following information will be recorded when warrants are updated:
- Date and time served;



- Name of server;
- Method of service;
- Complete information on person served;
- Status of process.

2.14 A record will be maintained of all attempts to serve warrants. The non-service record will include:

- The address where the service was attempted;
- Each date and time of attempt;
- The name of the officer attempting service;
- The status of the process.

### 3.0 WARRANT INQUIRIES

3.1 Field units can make warrant inquiries to the Public Safety Communications Division either by radio or by telephone. The warrants record system will be open for access twenty-four (24) hours a day.

3.2 Information should include the individual's full legal name, nick names, aliases, race, sex, physical description if necessary, and DOB.

3.3 The Public Safety Communications Division will advise the officer if any warrants are active and what the charge is for.

3.4 The officer must have the Public Safety Communications Division confirm that the warrant listed is still valid.

- The warrant may have been already served and not removed from the computer.
- The warrant may have been recalled by the originating source and not removed from the computer.
- The warrant may be an expired Family Court Bench Warrant which frequently have a six (6) month expiration date.



- 3.5 The Public Safety Communications Division will locate the actual warrant and advise the inquiring officer that the warrant is in hand before the individual is arrested.

#### 4.0 **ARRESTS WITH WARRANTS**

##### 4.1 **Arrest Warrants:**

- 4.1.1 Criminal warrants include all warrants issued by Municipal Court Judges, Ministerial Recorders, and Magistrates. Warrants are issued based on sworn testimony, by affidavit, of either a law enforcement officer or a citizen who states that a violation of either Greenville City Ordinance or South Carolina law has been committed.
- 4.1.2 All persons physically arrested must be arraigned. The arrestee will be taken before a Ministerial Recorder as soon as possible, formally advised of the charge(s), and be informed about the type and amount of bond required for their release.
- 4.1.3 If the person arrested is to be released on bond the arresting officer is responsible for ensuring the person is booked and checked for active arrest warrants, including local and NCIC, before being released.

##### 4.2 **Bench Warrant:**

- 4.2.1 Bench warrants are issued by direct order of a judge. Bench warrants may be issued by judges presiding in General Sessions, Common Pleas, Family, Magistrate, or Municipal Courts. These warrants are usually issued because a defendant failed to comply with a judge's order or sentence.
- 4.2.2 When a defendant is arrested on a bench warrant, he/she will be incarcerated. Generally, the bench warrant will specify no bond is allowed and the defendant is held in custody until called for by the issuing court.
- 4.2.3 The bench warrant serves as a commitment order and a copy will be given to the Detention Center as authority to hold the defendant, if no bond is allowed.



#### 4.3 **Mental Commitment Papers and Orders of Detention:**

- 4.3.1 Mental Commitment papers are issued by the Greenville Mental Health Center. The Probate Court Judge issues the Order of Detention authorizing any law enforcement officer to take the person named in the warrant into custody for the purpose of taking that person to a physician for examination.
- 4.3.2 Normally the person would be transported to the Greenville Mental Health Center. If the center is closed the person in custody should be taken to the Prisma Health Center Emergency Room for examination.
  - 4.3.2.1 If the warrant or commitment order specifies only a mental examination then one physician's signature is needed on the certificate.
  - 4.3.2.2 If the warrant specifies a substance abuse examination, two physicians' signatures are required.
  - 4.3.2.3 If the physician(s) certifies the patient needs treatment and signs the Emergency Admission Application the patient will be transported to the facility named in the application.
- 4.3.3 Persons taken into custody for mental examination should not be placed in the Detention Center. Persons should be transported to the appropriate state hospital, regardless of the time or day. The person taken into custody should be advised that they are entitled to have an attorney present when the examination occurs. If the examining physician does not certify that treatment is needed the person should be released immediately.

#### 4.4 **Military Writ:**

- 4.4.1 A Military Writ is issued by a Military Court and is the equivalent of a bench warrant. The writ is issued after the person named in the writ has failed to appear for a Military Court Hearing as ordered. The writ authorizes the apprehension and detention of the defendant until he/she can be picked up by military authorities.
- 4.4.2 Persons arrested pursuant to a Military Writ are processed in the same manner as those arrested by an arrest warrant except military personnel arrested on a writ are placed directly into the Detention Center to await pick-up by military authorities.



#### 4.5 **Absent With Out Leave (AWOL) Notice:**

- 4.5.1 An NCIC AWOL Notice informs law enforcement agencies that a subject has been on an Unauthorized Absence for thirty (30) days or longer and is considered a deserter from military duty and requests the apprehension of the subject. If the AWOL status is indicated by the NCIC system, the NCIC Hit Confirmation policy should be followed to confirm the person being detained will be picked up.
- 4.5.2 Once confirmation is received the subject will be taken into custody and transported to the Detention Center. A copy of the NCIC paperwork will serve as a commitment.
- 4.5.3 The NCIC paperwork will contain the nearest contact point for notification of that branch of services Apprehension Team including telephone number. The arresting officer will advise communications personnel who will make the necessary contact.

#### 4.6 **Fugitive Warrant:**

- 4.6.1 A Fugitive Warrant can be issued by any court of South Carolina, authorized to issue criminal warrants, for the arrest of any person in South Carolina accused by another state of having committed an offense punishable either capitally or by imprisonment for one year or more.
- 4.6.2 The warrant is issued after satisfactory information is given under oath establishing probable cause for issuance of a warrant to a Ministerial Recorder, Municipal Judge, or Magistrate who has authority to issue warrants. Such probable cause usually consists of either a certified copy of the requesting state's warrant, or a teletype message, sent by the requesting state, which sets forth the charge(s) made against the fugitive by the requesting state. An officer in this state has no authority to act under a warrant issued by any court of another state.
- 4.6.3 An officer can make an arrest of a fugitive if probable cause exists. In these cases, primary criteria in establishing probable cause is the determination that the identity of the wanted person and the subject are the same, the warrant is still valid, and confirmation the listing agency will extradite.



**5.0 WARRANTLESS ARRESTS:**

- 5.1 An officer may arrest a person without a warrant when the officer has reason to believe that a crime has been, or is being, committed by the person. The offense must be committed within the officer's presence, or freshly committed prior to the officer's presence, if the arrest is to be made without a warrant. Presence is defined as anything that can be perceived by an officer's senses such as sight, hearing, smell, touch, and taste.
- 5.2 An officer may arrest a person without a warrant for a felony when the officer has probable cause to believe that the person committed, or is committing, the violation, whether the violation is committed in the officer's presence or not.

NOTE: All crimes classified as felonies are listed in Section 16-1-10 of the South Carolina Code of Laws.

5.3 Violent Crimes Bond Process in accordance with Section 17-15-55

If a person commits a violent crime, as defined in Section 16-1-60, which was committed when the person was already out on bond for a previous violent crime, and the subsequent violent crime did not arise out of the same series of events as the previous violent crime, then the arresting law enforcement agency must transmit notice of the second arrest, to the solicitor of the circuit in which the crime was committed and the Administrative Chief Judge of the circuit in which the crime was committed. The prosecuting agency must notify any victims of the initial or subsequent crimes pursuant to Chapter 3, Title 16 of any bond hearings.

Arresting officers will use the Violent Crimes Bond Checklist to facilitate compliance with the above State Law.

- 5.4 An officer may not arrest a person for a misdemeanor violation without a warrant unless the violation was committed in the officer's presence, has been freshly committed or when exceptions are made by law, such as the Criminal Domestic Violence Act.
- A violation is considered to have been committed in an officer's presence when the officer obtains the facts of the violation through his/her senses of sight, touch, hearing, smell, and taste, which causes him/her to believe a violation is being committed or has been committed.
  - If two or more officers individually observe a person commit part of a violation and keep themselves informed by radio or telephone





communication, it is considered that each officer possesses knowledge of the whole event, and either one may arrest the person.

- If two or more officers individually have knowledge of the existence of an arrest warrant for any person and one officer has possession of the warrant, any other officer in contact with the officer holding the warrant may arrest the person.

5.5 A person arrested without a warrant should be taken before a Ministerial Recorder as soon as possible for issuance of a warrant and/or arraignment.

5.5.1 If the charge can be made on a South Carolina Uniform Traffic Ticket a warrant may not be issued.

5.5.2 Most misdemeanor violations can be made on Uniform Traffic Tickets.

5.5.3 Once an arrest is made officers are required to check the arrestee for warrants both locally and through the NCIC system.

## 6.0 **CRIMINAL PROCESS:**

6.1 Criminal process may be served on Sunday, as on any other day of the week, for all crimes, felonies and misdemeanors. (State Code 17-13-90, 4/14/94)

6.1.1 Officers will obtain arrest warrants from ministerial recorders in person or by sending a warrant request through email for incidents occurring within the city limits of Greenville, SC.

- Arrest warrants can be signed by the affiant officer or co-signed by any sworn Law Enforcement Officer at the agency.
- Service of arrest warrants shall be done by an officer other than the affiant.

6.1.2 Officers will obtain search warrants from ministerial recorders in person. If ministerial recorders are unavailable, city judges are on call to sign search warrants. If both options are unavailable, officers can also obtain search warrants from Greenville County Magistrates. Officers will execute the search warrant and return it to the entity from which they obtained it.



- Search warrants shall be executed within 10 days from being signed by the ministerial recorder. Once executed, a copy of the signed executed search warrant will be maintained by the ministerial recorder's office. The original search warrant will be placed in records.
- If the search warrant is not executed within 10 days, it will be returned and signed "not served" to the ministerial recorder's office.

6.1.3 No knock search warrants will not be requested unless exigent circumstances exist. No knock search warrants will be requested through a circuit court judge through an application that requires responses to questions in subsection A. No knock search warrants will be executed within 10 days from it being signed and returned back to circuit court.

- A court shall not issue a 'no knock search warrant' except when probable cause exists that a person suspected of committing murder or kidnapping is on a premises, or where giving notice to a criminal suspect of the execution of a search warrant may create an imminent danger to the life of the officer executing the warrant or another person (17-13-155)

6.1.3.1 An Application for a no knock warrant must include:

- An explanation of how the circumstances are exigent and verifiable.
- The investigated activities undertaken, and information gathered in the course of the investigation that support the request of a no knock search warrant.
- An explanation of why the affiant would be unable to detain the suspect or search the premise without knocking and announcing presence and using other less invasive methods.
- If trained tactical operators, such as SWAT team members, are not acting as the initial entry team, documentation to verify officers performing the initial entry are trained in tactical entry operations is required.
- Whether the no knock search warrant can be executed during daylight hours, and if not, the facts or circumstances which preclude effective execution in daylight hours.



6.2 Exemption From Arrest:

Neither South Carolina nor United States law provides any exemption from arrest for criminal acts by any of its citizens.

6.3 Right To Be Informed of Reason For Arrest:

6.3.1 Every person arrested by an officer in South Carolina has the right to be informed by the Officer the true reason on which the arrest was made.

6.3.2 It is a felony offense for an officer to: refuse to answer a question regarding the reason for arrest; answer questions regarding the reason for arrest untruthfully; give the person arrested a false reason for the arrest; or neglect to show the person arrested, or to any person acting on his behalf, the law which calls for the arrest.

6.4 Use of Force Against Persons:

6.4.1 The duty and authority of an officer to make an arrest carries with it the right to employ reasonable force necessary to take the offender into custody.

6.4.2 Resisting Arrest: The law authorizes an officer to use force, when necessary, to make an arrest. It is the officer's duty to overcome resistance through the reasonable application of force and bring the arrestee under physical restraint. An officer's use of force is not limited to self-protection but extends to that amount of force which is reasonably necessary to perform his/her duty to arrest. If a person resists a lawful arrest by words or threats and is visibly prepared to resist, the officer may use force which is reasonably necessary to make an arrest.

6.4.3 Preventing Escape: An officer may use whatever force is reasonably necessary to prevent escape. However, he/she may not use deadly force unless this level of force is justified under Greenville Police Department policy outlining deadly force.

6.4.4 Excessive Force: An officer may not use more force than is reasonably necessary for the purpose of arresting a person.



6.5 Use of Force Against Property:

- 6.5.1 Officers have the right to enter private premises in the performance of their duty to make arrests, to serve process, and to protect life and property.
- 6.5.2 Officers may enter a business establishment or other place where the public is invited.
- 6.5.3 Officers may enter any building in cases of an emergency, such as a fire or reported shooting, a person possibly in danger, or where a person is suspected to be ill.
- 6.5.4 Officers may always knock on a door and ask questions.
- 6.5.5 It is lawful for an officer to forcibly enter any house or building to arrest a person or seize goods when the officer(s) has process requiring them to arrest a person in their home or seize goods.
- 6.5.6 An officer seeking to make a lawful arrest or seizure of goods may use force to enter a building after announcing his/her authority and intent, demanded admission, and admission has been refused or the request not acknowledged.
  - 6.5.6.1 An exception is made for exigent circumstances involving potential danger when a warrant specifies that officers do not have to knock and announce their presence and intent to enter the premises.
  - 6.5.6.2 An officer has the same authority to forcibly enter a motor vehicle as a building or dwelling to make an arrest or seize property.
  - 6.5.6.3 Reasonable damage to property is justified when making lawful forcible entry.
- 6.5.7 Officers can forcibly enter a house or building without an arrest warrant to arrest a person who has committed a serious crime where exigent circumstances exist, or when an officer is in active pursuit of a person who has committed a serious crime.
- 6.5.8 Entering a house for an arrest of a minor offense is generally not permitted. In such instances the house may have to be guarded by officers until a warrant can be obtained before entry can be made.



If the house is not the subject's residence a search warrant may also be needed.

#### 6.6 Search Incident to Arrest:

6.6.1 Following a lawful arrest, an officer may make a search of the person arrested and the area within his/her immediate control without a search warrant.

6.6.1.1 The area of immediate control of an arrestee is that area from which he/she could easily reach to get a weapon or destroy or hide evidence. Nothing outside the reach of the arrested person may be searched.

6.6.1.2 The officer is allowed to search:

- For weapons;
- For items that the person might use as a means of escape;
- To prevent the arrested person from destroying evidence.

6.6.2 If during a legal arrest an officer sees in plain view contraband, fruits of the crime, instruments used to commit the crime, evidence of the crime, weapons or any other object related to the crime, the officer may seize such items without a warrant. If the object is in plain view and is obviously related to the crime or is contraband, it may be seized even if it is not within the arrested person's reach.

6.6.3 Any seized items that were in plain view and show evidence of another offense may be used as evidence to support other charges of new offenses.

6.6.4 A search following an arrest must be made reasonably soon after the arrest. A search incident to arrest of the person and place must be made at the time of the arrest, or as soon as is reasonably practical.

6.7 Subpoenas and Court Orders for victims, witnesses and evidence are issued by Greenville City Ministerial Recorders and Judges at the request of Greenville Police Department Officers, as needed. After obtaining the subpoena or court order, the Officer will provide a copy of the document to the listed party and will place the original document in Greenville County Records.



**7.0 ARRESTS BY FOREIGN JURISDICTIONS:**

- 7.1 All criminal process under the control of the Greenville Police Department which must be served by a foreign jurisdiction will be first sent to the Greenville Police Department Warrants Division to be recorded.

NOTE: Under compelling need, the on-duty supervisor may waive this requirement

- 7.2 If the person named in the warrant is believed to have left the state, and if the offense named in the warrant is a felony or serious misdemeanor, for which extradition is authorized, the warrant may be entered into the NCIC system.
- 7.3 A record will be maintained which names the agency to which a warrant or warrant copy was sent and the date it was sent. A copy will be made and kept on file for any original warrant sent to another agency.
- 7.4 Original warrants will be sent to other South Carolina Law Enforcement agencies only. Certified copies of warrants will be sent to agencies of other States.
- 7.5 A person from Warrants Division will be designated as the Extradition Officer for the Greenville Police Department.
- 7.5.1 The Extradition Officer will be given copies of all arrest warrants for persons living in another state or incarcerated in another state.
- 7.5.2 The extradition officer will be responsible for sending certified copies of warrants to the proper Law Enforcement agency in whose jurisdiction the fugitive is in, and he will be responsible for arranging the return of the fugitive upon their arrest and availability.
- 7.5.3 All incoming correspondence, teletypes or phone calls are to be directed to the Extradition Officer, who will maintain records of all active extradition proceedings. The extradition Officer should be informed of any correspondence made with a fugitive wanted by the Greenville Police Department.

**8.0 ARRESTS FOR FOREIGN JURISDICTIONS:**

- 8.1 Other counties of South Carolina:



- 8.1.1 The original warrant will be forwarded to this department for service.
  - 8.1.2 Upon receipt of the warrant, it will be taken to a Ministerial Recorder or Municipal Court Judge to be countersigned. Circuit Court Judge bench warrants are the only warrants that do not have to be countersigned.
  - 8.1.3 If a person is arrested on another county's bench warrant of any kind, that person will be held without bond until he/she can be picked up by the other county's law enforcement agency. The issuing agency will be notified as soon as possible.
  - 8.1.4 If a person is arrested on another county's warrant which allows for the person posting of a bond, that person will be allowed to post bond in this county. If bond cannot be posted, then the other county will be notified of the arrest and the need to take the person into custody as soon as possible.
  - 8.1.5 If circumstances exist which require the arrest of a person for another county without having that county's original warrant in hand, the arrest may be made upon receipt of a teletype from a law enforcement agency of that county which sets forth all information about the person wanted and the warrant existing for that person. The requesting agency must agree to pickup the person arrested immediately after being informed of the arrest. If the person cannot be picked up before the time period for the temporary commitment expires, that person will have to be released, since there is no way to arraign him/her without the original arrest warrant. A person should be arrested under these conditions only when absolutely necessary.
- 8.2 Other States:
- 8.2.1 Officers will follow the procedures for the service of a fugitive warrant, if such fugitive from another state is located in the city limits of Greenville.
  - 8.2.2 Probable cause to arrest a fugitive may be based on an NCIC teletype, backed by a confirmation from the requesting state. The NCIC teletype of a wanted fugitive is sufficient for detaining the individual. However, further proof, such as confirmation from the agency that made the NCIC entry, should be obtained before formal arrest and incarceration.



- 8.2.3 Upon arrest of an out-of-state fugitive, the Public Safety Communications Division will forward to the Warrants Division a copy of the NCIC paperwork. The Warrants Division will coordinate all extradition procedures on the fugitive.
- 8.2.4 If a person is arrested as a fugitive from justice and there are no local charges, the arresting officer, in the absence of the extradition officer, should ask the person arrested if he/she will waive the extradition process. The arresting officer will inform a ministerial recorder of the arrestee's desire to waive the extradition process. A ministerial recorder will handle the waiver process.
- 8.2.5 If the fugitive does have local charges pending, those charges should be disposed of before the matter of waiving extradition is considered.
- 8.2.6 If the person waives extradition, the original affidavit should be placed in an envelope and left at the detention center for the officers to get when they pick up the fugitive. A copy of the waiver affidavit should be forwarded to the extradition officer.

## 9.0 ARREST OF FOREIGN NATIONALS:

- 9.1 The U.S. Department of State requires the assistance of state and local law enforcement authorities, in carrying out the following treaty obligations of the United States, concerning the detention of arrest of foreign nationals in this country. These obligations are embodied in both Bilateral Agreements with specific countries, and in the Multilateral Convention on Consular Relations, to which the United States is a party. These treaty obligations are legally binding on such detentions or arrests by the Greenville Police Department.

For purposes of this section, "FOREIGN NATIONAL" is defined as anyone who is not a United States Citizen, regardless of the subject's status in this country, legal, illegal, visa, green card, or passport. If they are not a U.S. Citizen, they are a foreign national.

- 9.1.1 Whenever the Greenville Police Department arrests, imprisons, or otherwise detains a foreign national for anything beyond a routine traffic stop, including a courtesy stop, the Police Department must promptly inform the detainee of his right to have his government informed of such of an event. Documentation of this notification will be recorded in an Incident Report.
- 9.1.2 If the detainee asks to exercise this right, the Police Department must inform the appropriate foreign consulate or Embassy without





delay and should make a written record of such notification. Contact information for foreign consulates can be found on the U.S. State Department website at:

<https://travel.state.gov/content/travel/en/consularnotification/ConsularNotificationandAccess.html>

- 9.1.3 Subject to regulations regarding access to detained persons, Consular Officers have the right to visit their nationals who are in prison, custody, or detention, to converse and correspond with them and to arrange for their legal representation. A Foreign Consular Officer should not take such actions on behalf of a person if the person being held expressly opposes these actions.
- 9.1.4 Officers should also be aware that agreements with certain countries require mandatory notification when their nationals are confined or detained. In these cases, the foreign national has no choice regarding notification and the Police Department must notify the Consulate or Embassy of the situation without delay. Officers will consult the U.S. State Department website at the following link for guidance:  
<https://travel.state.gov/content/travel/en/consularnotification.html>
- 9.1.5 The foreign national should be advised that his consul has been notified.
- 9.1.6 Officers should telephone the U.S. Department of State immediately concerning any questions that arise in connection with the foregoing procedures at (202) 647-5036, Office of the Assistant Legal Advisor for Consular Affairs, Department of State, Washington, D.C. 20520.
- 9.1.7 The Extradition Officer will normally be responsible for contacting the appropriate foreign embassy. However, when he is not available, the Supervisor in charge will perform this duty, and inform the Extradition Officer of all actions taken. The Extradition Officer will coordinate all further proceedings with the foreign embassy.

## 10.0 **OFFENSES INVOLVING FOREIGN DIPLOMATS AND CONSULAR OFFICIALS:**

Diplomatic and consular officials should be accorded their respective privileges, rights and immunities, as directed by international law and federal statute. These officials should be treated with courtesy and respect that befit their distinguished positions. At the same time, it is a well-established principle of international law



that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect local laws and regulations.

- 10.1 Diplomatic Immunity: Diplomatic immunity is a principle of international law and is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officials, their families and servants. Diplomatic officials should not be arrested or detained, except for the commission of a grave crime. Family members and employees of a diplomatic mission are entitled to the same immunities under current U.S. Law (22 U.S.C. 252), if they are not nationals of, or permanent residents in the receiving state. Associated with this personal immunity is the inviolability enjoyed by the premises of the mission of the sending state and the private residence of the diplomatic agent, his property, papers and correspondence.
- 10.2 Diplomatic Officials: Ambassadors and Ministers are the highest-ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary and Attaché. These officials are located in either Washington, D.C., or in New York City. Diplomatic officials, their families, official staff and servants, who are not nationals of, or permanent residents in the receiving state, are protected by unlimited immunity from arrest, detention or prosecution with respect to civil or criminal offenses.
- 10.3 Consular Officials - Consular Officials are Consuls- General, Deputy Consuls-General, Consuls and Vice Consuls. They are also official representatives of the foreign governments. Consular officials are required to be treated with due respect and all appropriate steps are to be taken to prevent any attack on their person, freedom, or dignity. They are entitled to limited immunities, as described below:
  - 10.3.1 Immunities: Under prevailing international law and agreement, a foreign career Consular Official is not liable to arrest or detention pending trial, except in the case of a grave crime of violence (a felony offense that would endanger the public's safety), and pursuant to a decision by a competent judicial officer, is limited to acts performed in the exercise of Consular functions, subject to the court's determination.
  - 10.3.2 Identification: Career Consular Officials can be identified by credentials issued by the State Department, and by other locally issued official identification papers. The State Department credential bears its seal, the name of the official, his title and the signature of State Department officials.



10.3.3 Archives, Documents, Records and Correspondence: The Consular archives and documents are inviolable at all times wherever they may be. The official correspondence of the consular posts, which means all correspondence relating to the consular post and its functions, is likewise inviolable.

#### 10.4 Honorary Consuls:

Often, nationals or permanent residents of the receiving state are appointed and received as Honorary Consular officials, to perform the functions generally performed by the career consular official. Such officials do not receive identification cards, from the State Department, of the type issued to career consular officials though they may exhibit reduced size copies of diplomatic note evidencing recognition by the United States government. These individuals are not immune from arrest or detention; they are also not entitled to personal immunity from civil and criminal jurisdiction of the receiving state, except as to official acts performed in the exercise of their consular functions. However, appropriate steps must be provided to accord to such officials the protection required by virtue of their official position. In addition, the consular archives and documents of a consular post headed by an Honorary Consul are inviolable at all times wherever they may be. This is provided they are kept separate from other papers and documents, of a private or commercial nature, relating to other activities of the Honorary Consul and the persons working with him.

#### 10.5 Families of Consular Officials:

Family members of Consular Officials do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction of the receiving state as do consular Officials. However, they should be afforded appropriate courtesy and respect.

#### 10.6 Handling Incidents Involving Foreign Diplomats and Consular Officers:

10.6.1 Minor Violations of Traffic and Criminal Law: When an Official is apprehended for a minor violation of the law, the Officer on the scene, upon being advised by the individual that he is an Official, and ascertaining that he possesses the proper credentials, should exercise discretion, based upon the nature of the violation and either release him with a warning of the danger of this actions, or proceed with the issuance of the appropriate citation. Mere issuance of a traffic citation does not constitute arrest or detention in the sense referred above.



10.6.2. Driving Under the Influence: The primary consideration in this type of incident should be to ensure that the official is not a danger to himself or the public. Based upon a determination of the circumstances, the following options are available:

10.6.2.1 Take the Official to his local destination and release his vehicle to a family member, or employee.

10.6.2.2 Provide the Official with a telephone so that he can call a relative or a friend to come and pick him up.

10.6.2.3 Take other non-enforcement actions to bring the situation to a safe conclusion.

10.6.2.4 The Official's vehicle may not be impounded or searched.

10.6.2.5 Officials will not be administered a sobriety test of any kind.

10.6.3 Other Situations: Any supervisor may contact the Investigative Services for assistance in any situation involving an Official, including situations where the Official may be a victim of a crime.

10.7 Special Instructions: Except when necessary for officer safety, an Official should not be handcuffed or otherwise restrained. Any situation involving an Official is, at best, a sensitive situation. The primary consideration is in caring for the safety of the Officer, the Official, and the public.

## 11.0 NCIC OPERATIONS

Wanted person are entered into NCIC on a daily basis. Guidelines for NCIC operations are located in the "Communications" General Order.

DocuSigned by:

*J. H. Thompson*

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J. H. Thompson, Chief of Police

7/25/2025

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*The Greenville, SC Police Department- An Accredited Law Enforcement Agency*