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LEESBURG POLICE DEPARTMENT REGULATIONS AND GENERAL ORDERS MANUAL		
General Order Number: 218	Section: OPERATIONS	Issue Date: OCTOBER 2003
Title: DIPLOMATIC IMMUNITY AND FOREIGN NATIONALS		
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It shall be the policy of the Leesburg Police Department to comply with the instructions of the United States Department of State relating to the arrest and detention of, deaths of, or related issues pertaining to the provision of consular services to foreign diplomats, agents, or nationals with whom contact is made.

I. DIPLOMATIC IMMUNITY

Foreign diplomatic and consular representatives assigned to the United States, their family members, their servants and their staff members, are afforded various levels of immunity from arrest, detention prosecution, search and seizure. Foreign diplomatic and consular personnel shall be treated with respect and with due regard for the privileges and immunities to which they are entitled under international law.

A. Inviolability of Persons and Property.

Depending upon the level of immunity granted, personal inviolability generally precluding handcuffing, arrest or detention, as well as inviolability of the person's property including their residence and vehicle precluding any search and seizure of the property may be enjoyed by the individual. In extraordinary circumstances, to prevent the commission of a crime or to protect the safety of the public or the police officer, police have the authority to intervene to the extent necessary to halt such activity.

B. Verifying Immunity Status.

An individual claiming diplomatic immunity may be detained at the scene or at the department long enough to verify official status. In all cases, including those in which the individual provides a U. S. Department of State-issued identification card, the officer should verify the immunity status with the U. S. Department of State or in the case of the United Nations community, with the U. S. Mission to the United Nations.

Immunity Issues:

All Foreign Missions and their Personnel (Other than United Nations or TECRO/TECO)

Office of Foreign Missions

Business Hours: [REDACTED]

After Hours: [REDACTED]

Send Reports/Citations to OFM: [REDACTED]

Missions and Secretariat to the United Nations and their Personnel

Business Hours: [REDACTED]
[REDACTED]
[REDACTED]
After Hours: [REDACTED]

Diplomatic motor vehicle registration and driver's licensing inquires: [REDACTED]
[REDACTED]

TECRO/TECO and their Personnel (Taipei Economic and Cultural Representative Office)

Business Hours: [REDACTED]
Diplomatic motor vehicle registration and driver's licensing inquires: [REDACTED]
[REDACTED]

C. Criminal Misconduct.

In cases where persons who may enjoy immunity are involved in criminal misconduct, officers shall:

1. Verify the status of the person. See section I. B. of this General Order. An individual asserting immunity may be detained pending confirmation of his or her identity and status.
2. Treat the individual with the maximum degree of respect possible under the circumstances.
3. Obtain all pertinent information regarding the case.
4. Promptly release the person if immunity from arrest has been verified.
5. Fully document the details and circumstances of the incident in accordance with normal reporting procedures. A copy of the incident report should be faxed to the U. S.

Department of State Diplomatic Security Service, Protective Liaison Division [REDACTED], or to the U. S. Mission to the United Nations Host Country [REDACTED], whichever is appropriate. The Department of State may seek approval for prosecution or termination of immunity against the diplomat involved even though a physical arrest may be prohibited.

D. Traffic Matters.

In cases where persons who may enjoy immunity are involved in traffic matters, officers shall:

1. Verify the status of the person. See section I. B. of this general order. Persons asserting immunity may be detained pending confirmation of his or her identity and status.
2. Treat the individual with the maximum degree of respect possible under the circumstances.
3. For cases of suspected DWI:
 - a. Conduct the investigation (sobriety tests, etc.) in accordance with General Order 209. An individual with immunity privileges **may not** be physically arrested, compelled to take sobriety tests, or required to submit to formal chemical testing.
 - b. If the officer determines the individual may be intoxicated, the officer shall not permit the individual to drive. The officer's primary duty is the safety of the community and of the intoxicated individual. Options for the officer include:
 - (1) With the individual's permission, transporting the person to police headquarters, allowing them to summon another person to pick them up.
 - (2) Summoning, at the individual's request, a taxi or other person to drive.
 - c. As soon as possible, a facsimile of the report documenting the incident shall be sent to the U. S. Department of State at [REDACTED].
4. Issue a traffic summons if warranted. A traffic summons may be issued because the issuance of a summons does not constitute an arrest or detention. The individual **may not**, however, be compelled to sign the summons. If the person does refuse to sign the summons, present them with their copy and print "Diplomat-Refused" in the signature block. A facsimile of the summons shall be sent, as soon as possible, to the U. S. Department of State at [REDACTED].
5. Depending upon the degree of inviolability, the person's vehicle or person may not be searched nor seized. In such cases, the vehicle may be towed the distance necessary to remove it from obstructing traffic or endangering public safety.

E. Contact Information and Additional Guidance.

The United States Department of State Publication 10524, *Diplomatic and Consular Immunity Guidelines for Law Enforcement and Judicial Authorities*, is maintained in the Emergency Communications Center. This publication contains contact information and guidance for appropriate actions to be initiated in handling diplomatic involvements. The publication may also be accessed via the United States Department of Justice website:

[Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities](#)

For any additional guidance, the U. S. Department of State Office of Protocol shall be contacted during normal business hours at [REDACTED], or after hours the Bureau of Diplomatic Security at [REDACTED].

II. FOREIGN NATIONAL NOTIFICATIONS

A. Arrest or detention of a foreign national.

When a foreign national is arrested or detained, they must be advised of the right to have their consular officials notified, and in some cases, it is necessary to notify the nearest consular official regardless of the national's wishes. *Note: It is not necessary to follow consular notification procedures when an alien is detained for a short period of time, e.g., during a traffic stop.* The following steps shall be followed when a foreign national is arrested or detained:

1. Determine the foreign national's country.
2. Determine whether or not the foreign national's country must be contacted. For list of countries and jurisdictions requiring mandatory notification, refer to the United States Department of State reference card, *Consular Notification and Access Reference Card: Instructions for arrests and Detentions of Foreign Nationals*, which is issued to each officer.
3. If notification of the foreign national's country is not mandatory.
 - a. Offer, without delay, to notify the foreign national's consular officials of the arrest/detention utilizing the following statement: *As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?*

Written translations in several foreign languages of the above statement are provided in *Consular Notification and Access*, Department of State Publication 10518, which is maintained in the Emergency Communications Center.

- b. If the foreign national indicates he or she would like to have their consular officials notified, without delay, notify the country's nearest consular official of the arrest/detention by sending a facsimile (FAX) of a completed LPD Form #398.
4. If notification of the foreign national's country is mandatory.
 - a. Notify without delay, that country's nearest consular officials of the arrest/detention by sending a facsimile (FAX) of a completed LPD Form #398.
 - b. Tell the foreign national that you are making this notification utilizing the following statement: *Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things.*

We will be notifying your country's consular officials as soon as possible.

Written translations in several foreign languages of the above statement are provided in *Consular Notification and Access*, Department of State Publication 10518, which is maintained in the Emergency Communications Center.

5. A written record of the provision of notification and actions taken shall be noted in the incident report.

B. Access to Foreign Nationals by Consular Officials.

Detained foreign nationals are entitled to communicate with their consular officers. Any communication by a foreign national to his/her consular representative must be forwarded by the appropriate local officials to the consular post without delay. Foreign consular officers must be given access to their nationals in detention and permitted to communicate with them. As the Leesburg Police Department does not maintain a lockup, should the foreign national be detained at the Loudoun County Adult Detention Center, the Loudoun County Juvenile Detention Center, or a hospital, and if the foreign national wishes their consular officials notified or if notification is mandatory, the appropriate embassy/consulate shall be notified with this information by FAX utilizing LPD Form #398.

C. Deaths of Foreign Nationals.

If a member of the Leesburg Police Department becomes aware of the death of a foreign national in the course of their duties, they must ensure that the nearest consulate of the foreign country or jurisdiction is notified of the death.

D. Appointments of Guardians or Trustees for Foreign Nationals.

Whenever a probate court or other legally competent authority considers appointing a guardian or trustee with respect to a foreign national who is a minor or an adult lacking full capacity, the nearest consular authorities for the national's country or jurisdiction must be informed without delay.

E. Notification When a Foreign Ship or Aircraft Wrecks/Crashes.

If a member of the Leesburg Police Department becomes aware of a wreck/crash of a foreign ship or aircraft in the course of their duties, they must ensure that the nearest consulate of the foreign country or jurisdiction is notified of the incident.

F. Consular Notification and Access Reference Card.

A *Consular Notification and Access Reference Card: Instructions for Arrests and Detentions of Foreign Nationals* will be distributed to all officers. The card summarizes the basic consular notification procedures to follow upon the arrest or detention of a foreign national.

[Consular Notification and Access Reference Card](#)

G. Contact information and Additional Guidance.

The United States Department of State Publication 10518, *Consular Notification and Access*, is maintained in the Emergency Communications Center and available on-line. This publication provides contact information, and detailed instructions and legal material regarding notification procedures for incidents pertaining to foreign nationals.

[Consular Notification and Access](#)