

ORANGE COUNTY SHERIFF'S OFFICE



GENERAL ORDER

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| Effective Date: April 30, 2020 | <input checked="" type="checkbox"/> Amends - GO 6.2.6 (October 20, 2017) | Number: 6.2.6 |
| Distribution: All Personnel | Review Month: April | Reviewing Authority: SHERIFF / Legal Services |
| Subject: Foreign Embassy or Consulate Notification | | |

This order consists of the following:

1. Purpose
2. Policy
3. Definitions
4. Procedures

1. **Purpose**

The purpose of this policy is to provide guidelines for appropriately informing foreign governments when their citizens are arrested, detained pursuant to the Baker or Marchman Act, placed with the Florida Department of Children and Families, or injured such that they die, are at risk of death, or suffer serious trauma.

2. **Policy**

It is the policy of the agency to comply with treaties and agreements with foreign countries whose citizens are visiting or residing and working in the United States or its territories.

3. **Definitions**

- A. Foreign National - any citizen of a foreign country regardless of immigration status. A person who is a citizen of the United States and another country (dual citizenship) is not included.
- B. Prompt Notification of Embassy or Consulate - notification by fax, e-mail, or other written document within 72 hours of the incident. Notification may be made by phone if followed with written confirmation within the requisite time frame.
- C. Multiple Citizenship – a person who is a national/citizen of two or more countries.

4. **Procedures**

- A. Reporting deputies are required to make consular notifications without delay as outlined in this GO when any of the following situations involving a foreign national occur:
 1. Arrest;
 2. Baker or Marchman Act detention initiated by a deputy;
 3. Serious injury, illness, or trauma;
 4. Death;

5. Placement of minors with the Department of Children and Family Services (DCF); or
 6. Crash or wreck of foreign aircraft or ship.
- B. If a person has multiple citizenship and none are the United States, he or she shall be treated in accordance with the rules pertaining to each country. If the person is a citizen of the United States as well as another country, he or she may be treated simply as an American citizen. For example, consular notification is not required if the person is a United States citizen, even if his or her other country of citizenship mandates notification.
- C. Reporting deputies are required to ask the citizenship of every person arrested or taken into custody (e.g., Baker Act). When the person is a foreign national, the reporting deputy shall prepare an Incident Report including at a minimum the following information.
1. The name, date of birth, place of birth (city and country).
 2. Information concerning the incident, such as the nature of the charges in an arrest case, description of aircraft crash, or cause of injuries in a serious or traumatic injury case. In a serious or traumatic injury case, the name, address, and phone number of the applicable medical facility will be included.
 3. If the person is detained through the Baker Act or Marchman Act, the deputy shall document the information with an Incident Report. The name, location of the medical or psychological holding facilities and the phone number will be included in the report.
 4. If minor children of the Foreign National are placed with DCF, contact information (address of the assigned DCF office, DCF caseworker's name and DCF case number and other appropriate information will be included in the report). The location of the Foreign National parent will be documented in the report, (i.e., detention facility, psychological holding or medical facility) or home country of the child).
 5. All pertinent information will be included in the event of an aircraft crash or shipwreck in the report.
 6. A statement confirming that the deputy informed the foreign national of his or her right to have consular officials notified and to speak to them. The statement should include the response from the foreign national, along with the date and time the foreign national was informed about his or her consular rights. If information was provided in writing, retain a copy.

The following is an example from the US Department of State of such notice:

As a non-US citizen who is being arrested or detained, you may request that

we notify your country's consular officers here in the United States of your situation. You may also communicate with your consular officers. A consular officer may be able to help you obtain legal representation, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officers, you can request this notification now, or at any time in the future. Do you want us to notify your country's consular officers?

7. A statement that the reporting deputy, before the end of his or her shift, informed the Victim Advocate via e-mail to foreignnotification@ocsofl.com. The reporting deputy's e-mail will include the agency's case number; the foreign national's name, date of birth, country; and the charges or other applicable circumstances.
- D. The deputy shall confirm the information below is completed within the ARS, Persons, Details, Arrest or Extra tab:
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|------------------------|--------------------------------|
| ARS Incident: | Case Number |
| Persons/Details: | Defendant's Name |
| | Date of Birth |
| | Home Address |
| | Home Phone |
| | Driver's License |
| Persons/Extra | United States Citizen (Y/N) |
| | Citizenship 1 (Non-USA) |
| | Citizenship 2 (Dual) |
| | Def Req Consulate Notify (Y/N) |
| Persons/Arrest | Date of Arrest |
| | Place of Birth |
| | City of Birth |
| Persons/Arrest/Charges | Charges |
- E. If the reporting deputy initiates formal notification of the foreign government via fax sent directly to the consular officer or embassy, he or she must forward a copy of the notification and fax receipt via interoffice mail to the Victim Advocate. Alternatively, he or she may scan the documents, attach them to an e-mail, and send the e-mail to foreignnotification@ocsofl.com, as outlined in this GO. Similarly, if the deputy initiates formal notification via phone, he or she must send an e-mail to foreignnotification@ocsofl.com with the information outlined in this GO.
 - F. The Victim Advocate shall examine the Automated Reporting System (ARS), Crystal Report System (CRS), and e-mails from deputies for incidents and crime reports involving foreign nationals to determine if consular or embassy notification is required. A Victim Advocate assigned by the Victim Advocate Supervisor, shall promptly and appropriately notify the applicable embassy or consulate. The person making the notification shall document it with proof of delivery, such as a fax receipt, and forward the documentation to Records to be included in the original case file.
 - G. The Victim Advocate shall act as a liaison between the agency, US State

- Department, and foreign governments (e.g., consulates, embassies). He or she is also responsible for documenting, classifying, and logging information and forward it to Records.
- H. The Victim Advocate shall produce monthly log sheets and forward them to the Criminal Investigations Division Lieutenant.
 - I. Agency members may refer to the Consular Notification Reference Card for additional guidance and information, located on SharePoint under “Agency Forms and Brochures,” “[Foreign Embassy or Consular Notification Process Card \(8/11\)](#).”
 - J. Agency members may obtain additional information about foreign notification procedures by contacting the US Department of State at 202-485-7703 or after hours at 202-647-1512. The formal mailing address is: U.S. Department of State, CA/P, SA-17, 12th Floor, Washington, DC 20520-1712. E-mail address is consnot@state.gov.
 - K. Training
Foreign Consular Notification and Access instruction is provided through Training to appropriate personnel.