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<div><div></div><div>DIGNITARY PROTECTION, DIPLOMATIC IMMUNITY AND FOREIGN NATIONALS</div><div></div></div>				
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CONTENTS

This procedure consists of the following numbered sections:

- | | |
|--|--------------------------|
| I. DUTIES OF THE OFFICER FOR DIPLOMATS | IV. DIGNITARY PROTECTION |
| II. FOREIGN NATIONALS | PLAN |
| III. DOCUMENTATION | |

PURPOSE

The purpose of this standard operating procedure is to establish guidelines for the apprehension and detention of Foreign Nationals and diplomats and to outline the department's Dignitary Protection Plan.

SCOPE

This procedure shall apply to all Punta Gorda Police Department personnel.

DISCUSSION

The Punta Gorda Police Department is committed to following federal law with respect to diplomats, their families and employees in law enforcement situations. The safety of the public and/or the officer shall be of paramount concern. The Police Department is further committed to following Federal Law with respect to Foreign Nationals. Under the 1963 Vienna Convention on Consular Relations, all Foreign Nationals (including both resident and non-resident aliens) have the right to have their consulate notified if they are arrested and/or detained. Up-to-date information pertaining to procedures for handling foreign nationals can be found at the Bureau of Consular Affairs, US Department of State website at <https://travel.state.gov/CNA>

PROCEDURE

I. DUTIES OF THE OFFICER FOR DIPLOMATS

A. Traffic Citations

1. If a person claims diplomatic or consular immunity, verify their status as outlined in Section D of this procedure.
2. Officers shall follow normal procedures in enforcing state and local traffic laws and make sure to fully document the facts.
3. Officers may not compel individuals who fall under this order to sign traffic citations.
4. Individuals enjoying diplomatic protections may not be handcuffed, except when they pose a threat to safety, and may not be arrested or detained.
5. Forward a copy of the citation and/or report to the Diplomatic Security Service, Protective Liaison Division, [\(See Appendix Section V\(G\)\(3\)\)](#).

B. Traffic Enforcement DUI's

1. If a person claims diplomatic or consular immunity, verify their status as outlined in Section D of this procedure.
2. Officers shall follow normal procedures in enforcing state and local traffic laws and make sure to fully document the facts.
3. Notify US Department of State, Diplomatic Security Command Center [\(See Appendix Section V\(G\)\(1\)\)](#) 24 hours a day, 365 days a year.
4. The property of a person who qualifies for full criminal immunity cannot be searched or seized.
 - a. Officers may conduct field sobriety tests if warranted; however, the person cannot be compelled to take these tests. Officers shall follow standard policies and procedures in conducting field sobriety tests and enforcing DUI laws short of arrest. Officers shall make sure to fully document all facts and observations.
 - b. Vehicles of persons who qualify for full criminal immunity cannot be impounded or booted but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety.

5. If the person is found to be intoxicated, they must not be allowed to drive. Other alternatives such as calling for relatives, taxis, friends or other means should be considered.
6. Forward a copy of the report to the Diplomatic Security Service, Protective Liaison Division, ([See Appendix Section V\(G\)\(3\)](#)).

C. Other Criminal Violations

1. If a person claims diplomatic or consular immunity, verify their status as outlined in Section D of this procedure.
2. Notify US Department of State, Diplomatic Security Command Center ([See Appendix Section V\(G\)\(1\)](#)), 24 hours a day, 365 days a year
3. Property of persons falling under this order may not be searched or seized unless circumstances indicate imminent danger to the safety of citizens and/or the officer or probable cause exists that a forcible felony, as defined in Florida State Statute (FS) 776.08, will be committed.
4. Vehicles of persons who qualify for full criminal immunity cannot be impounded or booted but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety.
5. In the case of vehicles, if a vehicle is suspected of being stolen or used in the commission of a crime, vehicle occupants may be required to present vehicle documentation to permit verification of the vehicle's status with the US State Department.
 - a. If probable cause exists to believe a vehicle is stolen or used in the commission of a crime, the vehicle may be searched and detained per normal procedures.
 - b. License plates seized from these vehicles shall be returned to the Department of State.
6. In cases of crimes against persons (Domestic Battery, Armed Robbery, etc.) officers may use what measures are necessary to halt and prevent such crimes, protect citizens, fellow officers and themselves from imminent danger. Officers may not arrest or detain the individual and shall release them upon completion of the LEO's report
7. Forward a copy of the report to the Diplomatic Security Service, Protective Liaison Division, ([See Policy Appendix Section V\(G\)\(2\)](#)).

D. Verification of Diplomatic Status

1. The following forms of identification are considered authoritative proof by the Department of State, Protocol Office.
 - a. Diplomatic (blue border for diplomats);
 - b. Official (green border for embassy employees);
 - c. Consular (red border for consular personnel).
 - d. All authoritative identification cards are 3 ¾" X 2 ½", and contain a photo of the bearer, bearer's name, title, mission, city, state, date of birth, identification number, expiration date and U.S. Department of state seal. A brief statement of the bearer's immunity is printed on the back of the card. Space is provided for the bearer's signature
 2. An individual's diplomatic status should also verified by contacting the US Department of State, Diplomatic Security Command Center ([See Appendix Section V\(G\)\(1\)](#)), 24 hours a day, 365 days a year.
- E. Invalid Proofs: The following forms of identification are not conclusive proof of diplomatic immunity:
1. Foreign Diplomatic Passports
 2. Diplomatic Visa
 3. Tax Exemption Cards
 4. Automobile registrations, license plates, driver's license.
 5. In all cases above and in situations where the officer reasonably believes that invalid identification is being presented, officers shall contact the US Department of State, Diplomatic Security Command Center ([See Appendix Section V\(G\)\(1\)](#)), 24 hours a day, 365 days a year.

II. FOREIGN NATIONALS

- A. The following steps are to be taken when a Foreign National is arrested or detained:
1. Determine the Foreign National's country of citizenship. Normally, this is the country on whose passport or other travel document the Foreign National was issued.

2. Determine whether the Foreign National's country is a mandatory notification country or not a mandatory notification country. The list of countries can be found on the attached Consular Notification Process document.
3. If the Foreign National's country is not on the mandatory notification countries list:
 - a. Offer, without delay, to notify the Foreign National's consular officials of the arrest/detention.
 - b. If the Foreign National asks that consular notification be given:
 - 1) Immediately notify the nearest consular officials of the Foreign National's country;
4. If the Foreign National's country is on the mandatory notification countries list:
 - a. Notify that country's nearest consular officials, without delay, of the arrest/detention.
 - 1) The contact numbers for the appropriate consular offices can be found at: <https://travel.state.gov/content/travel/en/consularnotification/ConsularNotificationandAccess.html>
 - b. Tell the Foreign National that you are making this notification.
5. If the Foreign National cannot speak or read English, call Language Line Solutions ([See Policy Appendix Section V\(G\)\(3\)](#)). Information can be found in [SOP 1115.00 - Translation and Interpreter Services](#).

III. DOCUMENTATION: All incidents involving diplomats or Foreign Nationals shall be documented in an incident report and shall reflect a written record of the provision of notification and actions taken including whether or not the Foreign National or a non-mandatory notification country requested or declined consular notification.

IV. DIGNITARY PROTECTION PLAN

- A. Requests for dignitary or special protection service will be directed to the Operations Division Commander who will supervise and coordinate agency activities related to such operations. Their duties include:
 1. Coordinating activities with other agencies requiring the protective services;
 2. Planning and reconnoitering primary and alternate travel routes;

3. Procuring weapons, equipment, vehicles, and body armor for dignitary and security members;
 4. Performing advanced inspections of sites and facilities to be used;
 5. Coordinating with intelligence personnel and other sources to gather intelligence information;
 6. Coordinating support activities of agency members and outside resources to include:
 - a. Fire/EMS and medical facilities;
 - b. Communications required for the mission (e.g. hand-held radio, cellular telephones); and
 - c. Other law enforcement agencies.
 7. Establishing a means of identification for individual members (e.g. security pin or badge).
- B. Training: The Operations Commander will coordinate dignitary protection training needs with the Employee Development Coordinator.

APPROVED



PAMELA R. SMITH, CHIEF OF POLICE

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7 of 9

AGREEMENTS RELATING TO FOREIGN NATIONALS

Countries listed below have specific agreements with the United States Department of State regarding notification when their citizens are confined or detained.

Albania	Ghana	Saint Lucia
Algeria	Grenada	Saint Vincent and the Grenadines
Antigua and Barbuda	Guyana	Seychelles
Armenia	Hungary	Sierra Leone
Azerbaijan	Jamaica	Singapore
Bahamas	Kazakhstan	Slovakia
Barbados	Kiribati	Tajikistan
Belarus	Kuwait	Tanzania
Belize	Kyrgyzstan	Tonga
Brunei	Malaysia	Trinidad and Tobago
Bulgaria	Malta	Tunisia
China (including Macao and Hong Kong) ¹	Mauritius	Turkmenistan
Costa Rica	Moldova	Tuvalu
Cyprus		Ukraine
Czech Republic	Nigeria	United Kingdom ³
Dominica	Philippines	Uzbekistan
Fiji	Poland ¹²	Zambia
Gambia	Romania	Zimbabwe
Georgia	Russia	
	Saint Kitts and Nevis	

¹ Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), the unofficial entity representing Taiwan's interests in the United States, can be notified at their request.

² Mandatory only for foreign nationals who are not lawful permanent residents in the United States (i.e., "green card" holders). Otherwise, upon the national's request.

³ The bilateral consular convention between the United States and the United Kingdom applies to British nationals from Great Britain (England, Wales, and Scotland); Northern Ireland; the Crown Dependencies of Jersey, Guernsey, and the Isle of Man; and the British Overseas Territories, including Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Gibraltar, Montserrat, and the Turks and Caicos Islands, along with other island territories. Residents of the Overseas Territories may be traveling on a passport issued by the territory with no indication that the territory is British. Nevertheless, for them and all others from a British possession listed above, consular notification and access should be provided to the nearest U.K. consulate.

ARRESTING A NON-U.S. CITIZEN

Consular Notification Process

Q. Are you a U.S. citizen?

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

(No further action required.)



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



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

Albania	Costa Rica	Kazakhstan	Russia	Tunisia
Algeria	Cyprus	Kiribati	St. Kitts and Nevis	Turkmenistan
Antigua and Barbuda	Czech Republic	Kuwait	St. Lucia	Tuvalu
Armenia	Dominica	Kyrgyzstan	St. Vincent and the Grenadines	Ukraine
Azerbaijan	Fiji	Malaysia	Seychelles	United Kingdom ³
Bahamas	Gambia	Malta	Sierra Leone	Uzbekistan
Barbados	Georgia	Mauritius	Singapore	Zambia
Belarus	Ghana	Moldova	Slovakia	Zimbabwe
Belize	Grenada	Nigeria	Tajikistan	
Brunei	Guyana	Philippines	Tanzania	
Bulgaria	Hungary	Poland ²	Tonga	
China ¹	Jamaica	Romania	Trinidad and Tobago	

1. Includes Hong Kong and Macao. Does not include Republic of China (Taiwan).

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

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

A. "YES."

Step 1. Inform detainee that he or she may communicate with consulate, and that you must notify consulate of arrest/detention.

Step 2. Notify nearest consulate **without delay**.

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

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

(No further action required.)



"NO."

Inform detainee, **without delay**, that he or she may have consulate notified of arrest/detention.



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

A. "YES."

Step 1. Make note in case file.

Step 2. Notify nearest consulate **without delay**.

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

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

(No further action required.)



"NO."

Step 1. Make note in case file.

Step 2. Do **NOT** inform the consulate.

(No further action required.)



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



IN ALL CASES:

- Do not inform consulate about detainee's refugee or asylum status.
- Detainee may communicate with consular officer and may request consular access at any time (whether previously declined or not).

Consular officers may have access to detainee

- regardless of whether detainee requests it. Even if detainee does not want to be visited, consular officers may still have one face-to-face visit.

Consular Notification & Access (CNA)
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