
NUMBER: 6.20

**EFFECTIVE DATE: JULY 1991
DECEMBER 1999**

SUBJECT: DIPLOMATIC IMMUNITY

6.20.01 PURPOSE

The purpose of this directive is to clarify police officers' responsibilities with regard to enforcement actions appropriate for persons entitled to diplomatic immunity.

6.20.02 EXPLANATION

- A. It is important that the law enforcement authorities of the United States always treat foreign diplomatic and consular personnel with respect and due regard to the privileges and immunities to which they are entitled under international law. Any shortcomings have the potential of casting into doubt the commitment of the United States to carry out its international obligations, or of negatively influencing larger foreign policy interests.
- B. Immunity is a legal barrier which precludes U.S. Courts from exercising jurisdiction over cases against persons who enjoy it, and in no way releases such persons from the duty, embodied in international law, to respect the laws and regulations of the United States.

6.20.03 POLICY

- A. Diplomatic immunity does not exempt diplomatic officers from the obligation of conforming with national and local laws and regulations. Diplomatic immunity is not intended to serve as a license for such 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.
- B. When, in the course of responding to or investigating an apparent violation of criminal law, a police officer is confronted with a person claiming immunity, official department of state identification should immediately be requested in order to verify the person's status and immunity.

Should the individual be unable to produce satisfactory identification, and the situation would normally warrant arrest or detention, the officer shall inform the individual that he or she will be detained until proper identity can be confirmed.

6.20.04 PERSONAL INVIOABILITY vs. PUBLIC SAFETY

- A. Personal inviolability is enjoyed to some degree by a majority of foreign diplomatic or consular personnel. In its most extreme form; this inviolability precludes arrest or detention in any form, and forbids U.S. authorities from intruding into their residences, automobiles or other property.
- B. All personal inviolability is, however, qualified by the understanding, well established in international law. That at the host country does not give up its right to protect the safety and welfare of its populace.

- C. In circumstances where public safety is in imminent danger, or it is apparent that a serious crime may otherwise be committed, police authorities may intervene to the extent necessary to halt such activity.

6.20.05 IDENTIFICATION

- A. Police officers shall be aware of the potential for persons to be entitled not to be detained, arrested, or their property searched, if they have appropriate identification, except in the aforementioned emergency circumstances.
- B. Police officers shall be expected to use good judgment in the evaluation of the authenticity of the identification.
- C. If there is a dispute over the authenticity of the identification, the person in question shall be allowed to make the appropriate phone calls in attempted verification.

6.20.06 TRAFFIC ENFORCEMENT

- A. Stopping a diplomatic or consular officer and issuing a traffic citation does not constitute an arrest or detention and is permissible, although signing of the citation by such an individual may not be required. Even if immunity ultimately bars any further action, the officer should stop these violators and/or issue citations if appropriate.
- B. Sobriety tests may be offered if the driver appears to be intoxicated. Although the individual may be immune from detention, the officer shall not allow an intoxicated party to continue to drive.