

JACKSONVILLE POLICE DEPARTMENT

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CONSULAR NOTIFICATION PROCESS

PURPOSE: To establish departmental guidelines for arrest procedures, to identify those individuals exempt from normal arrest procedures, for taking a suspect into custody, for taking confessions and conducting interrogations, and for diplomatic and consular immunity.

POLICY: The Jacksonville Police Department recognizes that these are mutual obligations that also pertain to American citizens abroad. In general, you should treat a foreign national, as you would want an American citizen to be treated in a similar situation in a foreign country. This means prompt, courteous notification to the foreign national of the possibility of consular assistance, and if requested or otherwise required, the prompt and courteous notification to the foreign national's nearest consular officials so that they can provide whatever consular services they deem appropriate. The Jacksonville Police Department will comply with federal law and guidelines established by the United States Department of State regarding the detention and arrest of foreign nationals.

PROCEDURES:

I. ARREST OF FOREIGN NATIONALS

- A. Citizens of other nations who reside in or are visiting the State of Arkansas are subject to Arkansas Law and except as indicated below, foreign nationals who are arrested will be treated in the same manner as U.S. citizens.
 1. A foreign national who is arrested or taken into custody will be informed that they have the right under a treaty to which the U.S. is a party, to have their country's embassy or nearest consulate notified of their arrest and detention. This should be done at the time of the arrest, but no later than during booking at the Jacksonville Temporary Holding Facility or Court Holding Facility.
 - a. A notation should be made in the Arrest/Disposition Report and the NIBRS Report of the fact that the accused was advised of their rights under the Vienna Convention on Consular Relations and whether or not the accused requested that the embassy/consulate be contacted.
 2. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels. It is the arresting officer's responsibility to contact the consulate or embassy. All foreign nationals **must** be told of their right to Consular notification.
 - a. If the foreign national's country is not on the mandatory notification list:
 - i. Offer, without delay, to notify the foreign national's consular officials of the arrest/detention.
 - ii. If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay.
 - b. If the foreign national's country is on the list of mandatory notification countries:
 - i. Notify that country's nearest consular officials, without delay, of the arrest/detention. Tell the foreign national that you are making this notification
 - c. Keep a written record of the provision of notification and actions taken.

- d. Unless the accused is a national from the countries listed below, do not notify the embassy/consulate unless the accused requests they be notified.
 - e. An updated listing of consulates and embassies can be found at the U.S. State Department web site. This site also contains translations of the suggested rights warning in several different languages.
3. By law, if a citizen of the following countries is arrested, the arresting officer will notify the nearest consulate or the embassy of the arrest.
 - a. The accused will be told that their embassy/consulate will be contacted, even if the accused does not want their consulate notified. A Supervisor should contact the U.S. State Department for additional guidance if the accused indicates a fear of persecution/mistreatment by their government.
 - b. The U.S. State Department may be contacted by phone during business hours at {202} 647-4415 or fax {202} 736-7559 or after business hours at {202} 647-1512.
 - c. Notification of the consulate will be made at the time the accused is arrested, but no later than during booking at the Jacksonville Temporary Holding Facility or Court Holding Facility.
 - d. A suggested form for sending a fax notice to the applicable consulate can be found at the U.S. State Department web site at http://travel.state.gov/law/consular/consular_753.html or on the P: Drive under the Forms folder.
 - e. If the accused also requests asylum, contact the U.S. State Department for further guidance prior to notifying the consulate/embassy.
 4. Lists of countries as indicated in Section I ARREST OF FOREIGN NATIONALS Part 2:
 - a. Albania %
 - b. Algeria
 - c. Antigua and Barbuda %
 - d. Armenia #
 - e. Azerbaijan #
 - f. Bahamas %
 - g. Barbados %
 - h. Belarus #
 - i. Belize %
 - j. Brunei %
 - k. Bulgaria
 - l. Peoples Republic of China %
 - m. Republic of Congo %
 - n. Costa Rica
 - o. Cyprus %
 - p. Czech Republic
 - q. Dominica %
 - r. Fiji %
 - s. The Gambia %
 - t. Republic of Georgia #
 - u. Ghana %
 - v. Grenada %
 - w. Guyana %
 - x. Hong Kong
 - y. Hungary
 - z. Jamaica %

- aa. Kazakhstan #
- bb. Kiribati %
- cc. Kuwait %
- dd. Kyrgyzstan #
- ee. Malaysia %
- ff. Malta %
- gg. Mauritius %
- hh. Moldova #
- ff. Mongolia
- gg. Nigeria %
- hh. Philippines
- ii. Poland
- jj. Romania
- kk.. Russia #**
- ll. St. Kitts and Nevis %
- mm. St. Lucia %
- nn. St. Vincent and the Grenadines #
- oo. Seychelles %
- pp. Sierra Leone %
- qq. Singapore %
- rr. Slovakia
- ss. Tajikistan #
- tt. Tanzania %
- uu. Tonga %
- vv. Trinidad and Tobago %
- ww. Turkmenistan
- xx. Tuvalu %
- yy. Ukraine #
- zz. United Kingdom, including Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands
- aaa. U.S.S.R. {although the U.S.S.R. no longer exists as a national entity, many citizens of its successor states still carry passports issued by the former U.S.S.R.}
- bbb. Uzbekistan #
- ccc. Zambia %

NOTE: % Rules applicable to United Kingdom apply.

Rules applicable to U.S.S.R. apply.

- B. Diplomatic and consular officers have the legal right to consult with their citizens who are detained by federal, state or local authorities. Any communication by a detained foreign national must be forwarded to the consular post without delay.
 1. A diplomat/consular official who is acting in this capacity will be treated with the utmost courtesy as befits their rank.
 2. The right of consular access and communication are generally subject to local laws and regulations concerning prisoner visitation.
 3. Whenever possible a police administrator or Prosecuting Attorney should brief the diplomat/consular officer on the fact and circumstances of the arrest and the legal process that will be followed in the case.
- C. If the foreign national who is arrested is in possession of a passport, visa, border-crossing card, resident alien card/alien registration card, the arresting officer shall make a photo static copy of the documents and attach them to the arrest disposition report. A copy should also be made of