



## **Diplomatic Immunity**

Diplomatic Immunity is a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local authorities for both their official, and to a large extent, their personal activities.

The vast majority of persons entitled to privileges in the United States are judicious in their actions and keenly aware of the significance attached to their actions as representatives of their sending State. On occasion, however, one of them may become involved in criminal misconduct. The most common violations are traffic (illegal parking, speeding, reckless driving and DWI), shoplifting, and assault.

When an Officer makes contact with a Diplomat, the Officer should keep in mind that such persons are official representatives of foreign governments who are to be accorded the maximum degree of respect possible under the circumstances.

When an Officer is called to the scene of a criminal incident involving a person who claims diplomatic immunity, the first step should be to verify the status of the suspect. Should a person be unable to produce satisfactory identification and the situation be one that would normally warrant arrest or detention, the Officer will inform the individual that he or she will be detained until his or her identity can be confirmed. In all cases, including those in which the suspect provides a State Department-issued identification card the Officer will try to verify the status with the U.S. Department of State, phone number 202-647-7277 or in the case of U.N. community, with the U.S. Mission to the United Nations, phone number 212-415-4444. Once the status is verified the Officer will prepare his/her report. If the suspect enjoys personal inviolability, he or she may not be handcuffed, except when that individual poses an immediate threat to safety, and may not be arrested or detained. Once all pertinent information is obtained, that person must be released. A copy of your report will be faxed to the U.S. Department of State in Washington D.C., fax number 202-895-3613, or to the U.S. Mission to the U.N. in New York in cases involving the U.N. community, fax number 212-415-4162. The Officer faxing the report will also indicate that the report was faxed to either the U.S. Department of State or the U.S. Mission to the U.N. this information will be placed on the report itself.

### **General Order No. 3-3 (Cont.)**

**Traffic Enforcement** - Stopping a Diplomat or a dependent and issuing a traffic citation for a moving violation does not constitute arrest or detention and is permitted. However, the subject may not be compelled to sign the citation. In all cases the Officer will complete the citation, give a copy to the suspect noting in the signature space the driver is a Diplomat. A copy along with any other reports will be faxed to the U.S. Department of State, fax number 202-895-3613 as soon as possible.

In serious cases, e.g., DWI, personal injury accidents, telephonic notification to the US Department of State is urged. The Officer should follow our guidelines with respect to conducting a field sobriety test. The test should be offered and the results fully documented. The taking of the test may not be compelled. If the Officer judges the individual too impaired to drive safely, the Officer should not permit the individual to continue to drive. Depending on the circumstances, there are several options. The Officer may, with the individual's permission, take the individual to the Ridgely Police Department or other location where he or she may recover sufficiently to drive. The Officer may summons, or allow the individual to summons, a friend or relative to drive, or the Officer may call a taxi for the individual.

The property of a person enjoying full criminal immunity, including his or her vehicle may not be searched or seized. Such vehicles may not be impounded, but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety.

**Foreign Nationals** - When Foreign Nationals are arrested or detained they must be advised of their right to have their consular officials notified. In some cases the nearest consular officials must be notified of the arrest or detention of a Foreign National, regardless of the national's wishes. Consular officials are entitled to access to their nationals in detention, and are entitled to provide consular assistance. When an Officer becomes aware of the death of a foreign national, consular officials must be notified.

When a person is arrested or detained the Officer will ascertain if they were born in the United States, if they advise yes this will be noted in the miscellaneous information section on the Detention Log. If the person answers the question no, ascertain what country they were born in and of what citizenship they hold, their answer will be recorded in the miscellaneous information section of the Detention Log along with the statement that they were advised that they have the right to have their consular officials notified, the time will also be noted. When a person is arrested or detained by this Department and he or she is from a country where notification is mandatory, an Officer will list this information in the miscellaneous information section of the Detention Log along with the time and the phone number of that person's Foreign Embassy or Consulate in the United States.