

La Plata Police Department - General Orders

	Title: Foreign National Notification		Order #: 606	
	Effective Date: January 27, 2014		Review Date:	
	<input checked="" type="radio"/> New		<input type="radio"/> Amends	
Approved by: Chief Carl Schinner			CALEA 5 th Edition	
CALEA Standard: 1.1.4 55.2.6			Pages: 3	

01 POLICY: It is the policy of the La Plata Police Department to abide by the Vienna Convention on Consular Relations by making timely notifications when foreign nationals have been arrested or died within the Town limits.

02 DEFINITIONS:

- A.** Alien: See Foreign National.
- B.** Consular Officer: A citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in a foreign country.
- C.** Foreign National: For the purpose of this Order, a person who is not a United States citizen.

03 OPTIONAL NOTIFICATIONS:

- A.** When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified.
- B.** The foreign national then has the option to decide whether he/she wants consular representatives notified of the arrest or detention, unless the foreign national is from a "mandatory notification" country.
- C.** If the detained foreign national is a national of a country not on the mandatory notification list, the requirement is that the foreign national be informed without delay of the options to have his/her government notified of the detention.

D. If the detainee requests notification, the arresting officer must ensure that notification is given to the nearest consulate or embassy of the detainee's country without delay.

04 MANDATORY NOTIFICATION:

- A.** Mandatory notification must be made to the nearest consulate or embassy without delay.
- B.** Countries that demand notification are as follows:
 1. Algeria
 2. Antigua and Barbuda
 3. Armenia
 4. Azerbaijan
 5. Bahamas, The
 6. Barbados
 7. Belarus
 8. Belize
 9. Brunei
 10. Bulgaria
 11. China (Notification is not mandatory in the case of persons who carry "Republic of China" passport issued by Taiwan)
 12. Costa Rica
 13. Cyprus

14. Czech Republic
 15. Dominica
 16. Fiji
 17. Gambia, The
 18. Georgia
 19. Guyana
 20. Hong Kong (Notification should be made to the “Republic of China”)
 21. Hungary
 22. Jamaica
 23. Kazakhstan
 24. Kiribati
 25. Kuwait
 26. Kyrgyzstan
 27. Malaysia
 28. Malta
 29. Mauritius
 30. Moldova
 31. Mongolia
 32. Nigeria
 33. Philippines
 34. Poland (non-permanent resident only)
 35. Romania
 36. Russia
 37. Saint Kitts and Nevis
 38. Saint Lucia
 39. Saint Vincent and the Grenadines
 40. Seychelles
 41. Sierra Leone
 42. Singapore
 43. Slovakia
 44. Tajikistan
 45. Tanzania
 46. Tonga
 47. Trinidad and Tobago
 48. Tunisia
 49. Turkmenistan
 50. Tuvalu
 51. Ukraine
 52. United Kingdom (Angullia, British Virgin Islands, Bermuda, Montserrat, the Turks, and Caicos Islands)
 53. U.S.S.R. (no longer exists, some nationals of it successor states may still be traveling on its passport)
 54. Uzbekistan
 55. Zambia
 56. Zimbabwe
- C.** Foreign nationals subject to mandatory notification requirements should otherwise be treated like foreign nationals not subject to mandatory notification requirements.
- D.** Privacy concerns or the possibility that a foreign national may have legitimate fear of persecution or other mistreatment by his/her government exist in some mandatory notification cases. The notification should still be honored, but it is possible to take precautions regarding the disclosure of information. For example, it may not be necessary to provide information about why a foreign national is in detention.

- E. Under no circumstances should any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person's government.

05 DEATH OF A FOREIGN

NATIONAL: Officers aware of the death of a foreign national in the Town must ensure that the nearest consulate of that national's country is notified of the death. This will permit the foreign government to make an official record of the death for its own legal purposes. Normally the foreign national's government will assist with death notifications.

06 RECORDKEEPING:

- A. Officers should keep written records sufficient to show compliance with the above notification requirements. These records should show all notifications of foreign consular representatives. In addition, in cases in which notification is the discretion of the detained foreign national, these records should show that the foreign national was informed of the option of consular notification, the date when the foreign national was so informed, and whether or not the foreign national requested that consular officials be notified.
- B. The State Department from time to time receives inquiries and complaints from foreign governments concerning foreign nationals in detention. The Department in such cases may request information from the relevant law enforcement officials on whether consular notification was in fact given. Concerns about consular notification may also be raised by foreign consular officials directly with the responsible agency. Good record keeping will facilitate responding to these inquiries and to any consular notification issued that may be raised in litigation.

07 IMPORANT NUMBERS:

- A. The Department recognizes that officers have very few interactions with foreign nationals where arrest, detention or death notifications need to be made. However officers, finding themselves in a situation where they need guidance on an issue with a foreign national, may contact the Department of State at the following numbers:

(202) 647-4415 Business hours

(202) 647-1512 Urgent inquiries after normal business hours.

Canadian Embassy (202) 682-1740
Fax: (202) 682-7726

El Salvadorian Embassy: (202) 331-4032 Fax: (202) 331-4036

Haitian Embassy: (202) 332-4090 Fax: (202) 745-7215

Korean Embassy: (202) 939-5634 Fax: (202) 342-1597

Mexican Embassy: (202) 716-1000
Fax: (202) 234-4498

Nigerian Embassy: (202) 986-8400
Fax: (202) 822-1562

- B. Department Fax Sheet: When making notifications by fax, officers shall use the Department's Notification of Arrest/Detention of a Foreign National fax sheet (LPPD Form #606)