

La Plata Police Department – General Order

	Title: Diplomatic Immunity		Order #: 610	
	Effective Date: January 27, 2014	Review Date:		
	<input checked="" type="radio"/> New <input type="radio"/> Amends <input type="radio"/> Rescinds			
Approved by: Chief Carl Schinner			CALEA 5 th Edition	
CALEA Standard: 61.1.11			Pages: 4	

01 PURPOSE: To outline United States law and procedures applicable to diplomatic immunity, and to provide guidance for special and difficult situations.

02 POLICY: Dealing with diplomatic immunity poses particular problems for law enforcement officers and that officers may be overly generous in applying immunity if they do not understand its purpose. However, allegations of serious crime or other serious difficulties with diplomatic or consular personnel should be fully investigated and promptly reported to the State Department as set out in the paragraphs to follow. While officers will give every courtesy to diplomats, it is imperative that they also perform solid investigations, keep copious records and reports, whenever appropriate. By doing so, it allows the State Department to exercise the tools at its disposal to remove from the United States persons who engage in criminal activity. The State Department may also cause drivers' licenses to be revoked.

03 INTRODUCTION AND SUMMARY OF IMMUNITY ISSUES:

A. The special privileges given to foreign mission representatives are not undertaken arbitrarily, but are a reflection of rules allowing for civilized international relations among all the nations of the world. One underlying concept is that the people sent to foreign countries have the expertise they need to carry out their official functions, but may lack full understanding of local customs and laws. Another underlying

concept is that diplomats, unless protected, might be harassed by a "hostile" country, and the retaliation might come to United States citizens abroad. The goal is to deal with offenders through diplomatic channels, not to ignore or condone the commission of crime.

B. While the rules governing diplomatic immunity may seem complex, certain simple guidelines will provide helpful:

1. Possession of diplomatic immunity means that the holder may not be arrested or detained, subject to only a few qualifications (described later). Possession of immunity does not mean officers should issue warning tickets instead of Maryland State Uniform Citations.
2. A citation may be given to any diplomat, regardless of immunity; however, the offender's signature is not required. The State Department urges that citations, not warnings, be issued for traffic offenses. To run a computer check on the status of auto tags, registrations or other motor vehicle information, instruct the on-duty Communication Specialist to enter "US" for the State code or call the State Department at 202-647-7277. Officers may also place the "US" State code in his/her MDT. Officers may send a copy of the traffic citation to: Department of State, Office of Foreign Missions, Drivers Record Unit at 202-895-3646

3. All vehicles owned or operated by persons with immunity must bear two Department of State license plates, and a valid registration card should be available. The "US" computer check will reveal whether the vehicle or plates have been reported stolen, and the current status of the registration. Improper registration offenses should be ticketed. If the vehicle and/or plates are stolen or are being used by unauthorized persons in the commission of a crime, then immunity to the vehicle is suspended, and normal search and detention of the vehicle may be exercised.
4. Drivers with immunity must obtain a Department of State driver's license within thirty (30) days after arrival in the United States. Drivers with immunity may drive on a home country license or an international driver's license only for the first thirty (30) days in the United States. Driver's licenses offenses should be ticketed.
5. Sobriety tests may be offered, but not demanded, to any driver with immunity (see later paragraph for information as to suspected Driving While Impaired).
6. Papers, property and vehicles of a person with full diplomatic immunity may not be searched or seized. The vehicle may not be impounded, but may be towed as described in paragraphs to follow.
7. Comprehensive, careful police reports are invaluable to the State Department. A copy of police reports concerning incidents involving persons with partial or full immunity will be faxed to: Diplomatic Security Service Protective Liaison Division at 202-895-3613. The reporting officer is responsible for ensuring the report is faxed to the State Department.

NOTE: A copy of any incident involving a diplomat shall be forwarded to the Office of the Chief of Police prior to the end of an officer's tour-of-duty.

8. Where public safety is in imminent danger or it is apparent that a serious crime may otherwise be committed, police may intervene to the extent necessary to halt the activity. This naturally includes power of police to defend themselves from personal harm.

04 IDENTITY DOCUMENTS: When an officer is confronted with an individual claiming immunity he/she will:

- A. Request identification remembering that:
 1. Tax exemption cards are not conclusive proof, but only an indication that the bearer may be entitled to some degree of immunity.
 2. Auto registration, license plates and driver's licenses are not conclusive as to immunity status.
 3. The only conclusive and authoritative identity document is the Identity Card issued by the State Department. A statement of immunity is printed on the reverse of the card. When in doubt, verify by calling (202) 647-7277.
- B. When proper identification is shown, immunity will be respected. Do not detain or arrest persons with full immunity, except in the most extraordinary circumstances. Officers will record all pertinent details from the Identity Card, as well as other relevant details and circumstances. In a serious incident or where Driving While Impaired is suspected, notify the State Department by calling the twenty-four (24) hour number, (202) 647-7277.

05 TRAFFIC ENFORCEMENT:
(CALEA 61.1.11) Stopping any diplomatic or consular officer and issuing a traffic citation does not constitute arrest or detention, and is permissible. Note, however, that a signature of the offender is not required.

A. A sobriety test may be offered, but not compelled, where Identity Cards show immunity. If an officer judges a person to be impaired, the officer should not, under any circumstances, allow the person to continue to drive. With the offender's permission, the officer may take him/her to the police station or another location for recovery. A friend or relative may be summoned or a taxi may be called. The officer may transport. Access to a telephone must be provided. Vehicles may not be impounded, but may be towed the distance necessary to prevent traffic obstruction or endangerment of public safety. Prior to towing, the officer will contact the diplomat's embassy to seek voluntary removal of the vehicle.

B. To report suspected Driving While Impaired or serious traffic incidents, call (202) 647-7277. (24 hours)

C. The officer should always stop persons committing moving violations.

D. Officers will forward a copy of any citation issued to a member of the "diplomatic community", for a moving violation to: Diplomatic Motor Vehicle Office, Attention Traffic Unit, 3507 International Place, NW, Washington, DC 20008, phone 202-895-3521.

06 SPECIAL IMMUNITIES: When a person claims immunity but cannot present satisfactory identification or when an officer believes invalid identification is being presented, telephone verification will be made as described in paragraphs below.

A. All members of the embassies of China and their families have full immunity.

B. United Nations Officers will be governed by the Identification Card, but

know that the vast majority of these employees enjoy only "Official Acts" immunity. In a very few cases, such as the Secretary General of the United Nations and his senior most colleagues, immunity is equal to that of ambassadors.

C. "Official Acts" immunity is determined as follows: A person enjoying "Official Acts" immunity may always be prosecuted if the alleged criminal act is believed outside the scope of "official duties". However, this determination ultimately lies with the Court.

07 TELEPHONE VERIFICATION:
Whenever a person claims immunity but cannot present satisfactory identification, or when an officer believes invalid identification is being presented, telephone verification must be made.

A. Information on all personnel (except United Nations) can be obtained during business hours at the following numbers:

1. Criminal allegations: (202) 647-1664.

2. Status of tags or vehicles: (202) 895-3532.

3. Identification of diplomatic/families: (202) 647-1664.

4. Identification of administrative, technical and service personnel: (202) 647-1405

5. Consular personnel/families: (202) 647-1404

B. After hours: (24 hours): (202) 647-7277.

C. International Organizations except the United Nations: (202) 647-1402

D. United Nations personnel can be reached during business hours at the following numbers:

1. (212) 415-4131
2. After hours: (24 hours) (212) 415-4444.

08 PERSONA NON GRATA: A host country may strip any person of privileges and immunities, allowing the person only a reasonable time to leave the country. In most cases, this is done when there is reasonable certainty that a criminal act has been committed. Only a high standard of police investigation and reporting will suffice to assist.