



University of Pennsylvania Police Department 4040 Chestnut Street, Philadelphia, Pa 19104		 
Directive: 14	Subject: Diplomatic Or Other Forms of Immunity	Effective Date: 01/18/2000
Order of: Maureen S. Rush, Superintendent of Police		Amended Date: 02/01/2015

I. Purpose

The purpose of this directive is to define procedures to be followed by officers of the University of Pennsylvania Police Department (UPPD) regarding the arrest or detention of individuals who are foreign nationals or those who claim to be entitled to diplomatic or other forms of immunity.

II. Policy

It shall be the policy of the UPPD to understand and respect the rights of those individuals afforded immunity by government agencies. Further, the UPPD shall be guided by the United States Department of State Publication Number 10518, "Consular Notification And Access" when dealing with foreign nationals who have been arrested or detained.

III. Scope

This directive shall affect all sworn police officers.

IV. Definitions

- A. Consular Officer: A consular officer is 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.
- B. Diplomatic Officer: A diplomatic officer is an officer of a foreign government assigned to an embassy in Washington, D.C.
- C. Foreign National: A foreign national is any person who is not a U.S. citizen.
- D. Honorary Consul: An honorary consul is a citizen or lawful permanent resident of the United States who has been authorized by a foreign government to perform official functions on its behalf in the United States.

V. Procedures

A. Notification

1. Whenever foreign nationals are arrested/detained, it shall be the responsibility of the assigned detective to advise the foreign national of their right to have their government notified concerning the arrest/detention.
 - a) If applicable, the advisory should be provided to the arrested/detained foreign national during their Miranda warnings and documented on the UPPD Incident Report (UPPD-10).
 - b) The documentation shall include the date/time of the advisory, the name of the advising detective, and the response of the arrested/detained foreign national.
 - c) In instances requiring the use of an interpreter, the name, address, and signature of the interpreter and the response of the arrested/detained foreign national shall also be documented.
 - d) Where the arrested/detained foreign national is able to communicate English, they shall be asked to read and sign their response to the advisory, as part of the standard warnings review and acknowledgements.

Note: The Treaty of Vienna does not specify when the advisory must be given; therefore, if the arrested/detained foreign national provides a statement prior to the advisory, either volunteered or after being provided Miranda warnings, the advisory may be provided afterwards and shall be documented.

2. Notification to a foreign government shall be made Without Delay when:
 - a) A foreign national requests that notification be made to their government.
 - b) That foreign government requires mandatory notification when their nationals are arrested/detained. In these instances, foreign nationals have No Choice regarding such notification; however, they shall be advised that their government has been notified.
 - c) An incident involving the death of a foreign national is investigated by the UPPD.
3. When notification is to be made to a foreign government:
 - a) The assigned detective shall immediately notify a Detective Supervisor.
 - b) The Detective Supervisor shall ensure that the Deputy Chief of Investigations, or designee, is contacted and provided with all information regarding the arrest/detention or death.
 - c) The assigned detective shall ascertain the telephone number of the foreign consulate or embassy to be notified. (This information can be found in United States Department of

State Publication Number 10518, "Consular Notification And Access"), copies of which are located in the detective's squad room and the Shift Commander's office.

- d) The assigned detective shall contact the foreign consulate or embassy, and shall provide all relative information regarding the arrest/detention or death of the foreign national.
- e) The notification should follow the arrest/detention process and shall be documented on the appropriate UPPD Incident Report (UPPD-10). The documentation shall include the date, time, and telephone number of the notification, the name of the notifying detective, and the name, title, and address of the notified foreign consulate representative.

Note: A notification letter shall also be sent to the foreign consulate within twenty-four hours. The letter will contain the foreign national's complete name, date, and time of the arrest/detention or death, place of arrest/detention or death, all charges, location of the foreign national, the name of the foreign consulate representative originally notified, and the name and telephone number of the assigned detective. A copy of the notification letter shall be attached to the appropriate UPPD Incident Report (UPPD-10).

- f) In instances of off-business hours' notifications, all attempts and messages left shall be documented. A follow-up call shall also be made to a "live" foreign consulate representative.
- 4. Incidents involving foreign nationals designated as foreign officials, official guests of the United States, or internationally protected persons require that the FBI be notified as well.
 - 5. All notifications shall be recorded on the appropriate UPPD Incident Report (UPPD-10) corresponding to the incident.

B. Access To Arrested/Detained Foreign Nationals

- 1. Subject to correctional and local procedures, regulations and laws, Foreign Consular Officers shall have the right to:
 - a) visit their nationals who are in prison, custody or detention;
 - b) converse and correspond with them;
 - c) arrange for legal representation of their national, consistent with court rules and procedures.

Note: The assigned detective shall document on the UPPD Incident Report (UPPD-10) if the arrested/detained foreign national does not desire contact or assistance from their Foreign Consular Officers.

C. Levels Of Immunity For Foreign Nationals

1. There are several levels of immunity entitled to foreign nationals who are in the United States. The United States Department of State, Office of Protocol, issues identification documents to foreign government personnel who are entitled to immunity. Because there are different degrees of immunity, officers should carefully read identification cards presented to them. A sampling of the various identification cards can be found in the "Consular Notification And Access" publication mentioned previously in this directive.
2. At every level of immunity, foreign nationals May be issued a traffic citation, although their specific level of immunity may not permit them to be arrested or detained.

D. Deaths Of Foreign Nationals

1. If the UPPD becomes aware of a death of a foreign national, the Detective Unit shall be responsible for ensuring the notification of the nearest consulate of that national's country of the death. This will permit the foreign government to make an official record of the death for its own legal purposes.

E. Other Forms Of Immunity

1. United States Congressmen and Senators
 - a) United States Congressmen and Senators may not be arrested or detained while in route to or from regularly scheduled sessions of their respected houses. They may be issued traffic citations.
2. Pennsylvania State Senators and Representatives
 - a) Pennsylvania State Senators and Representatives may not be arrested or detained while in route to or from regularly scheduled sessions of their respective houses. They may be issued traffic citations.

F. Compliance

Violations of this directive, or portions thereof, may result in disciplinary action.

G. Officers Assigned To Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this directive.

H. Application

This directive constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law. Violations of policy will

only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.