

JACKSONVILLE POLICE DEPARTMENT

Policy: 10-20
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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.
 - b. If the foreign national asks that their embassy or consulate be notified, it is the arresting officer's responsibility to contact the consulate or embassy. Unless the accused is a national from the countries listed below, do not notify the embassy/consulate unless the accused requests they be notified.
 - c. 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.
 - 2. 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.