

 <i>Our Badge, a symbol of public trust.</i>	POLICY CHAPTER:	
	Chapter 1 – Agency Role and Authority	
	POLICY TITLE:	
	1.1.3 Consular Notification	
	ACCREDITATION REFERENCES:	
	1.1.3	
	EFFECTIVE DATE:	REVISION DATE:
	02-03-2023	04-07-2025
	APPROVED BY:	SIGNATURE:
Sheriff Timothy D. Ackerman		

1.1.3 Consular Notification

1. Purpose:

The purpose of this policy section is to provide procedures to ensure that members of the Marshall County Sheriff's Office (MCSO) extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

2. Definitions:

Definitions related to this policy include:

- A. Consul or Consular Officer: A citizen of a foreign country employed by that government and authorized by both the sending and the host countries to provide assistance on behalf of that government to its citizens in another country. Such persons are generally assigned to a consular section of an embassy in Washington, D.C., or to a consulate in another U.S. city. Consular officers or consuls who are accredited by the U.S. Department of State bear identification cards to that effect issued by the U.S. Department of State.
- B. Detainee: A detainee in this context is a foreign national who is arrested or placed in custody pending investigation or judicial appearance, or both. Brief stops of such persons for motor vehicle violations or similar incidents are not considered detentions for purposes of this General Order.
- C. Diplomatic Immunity: A requirement by international law under which certain foreign government officials are not subject to the jurisdiction of local courts and authorities, for both their official and, to a large extent, their personal activities.
- D. Foreign National: For the purposes of consular notification a foreign national is any person who is not a U.S. citizen. Lawful permanent resident aliens (or LPRs) who have resident alien registration cards (green cards) retain their foreign nationality and must be considered foreign nationals. The terms foreign national and alien are used interchangeably. Undocumented or illegal aliens are also foreign nationals.
- E. Inviolability: A principle embodied in international law that generally precludes law enforcement officials from handcuffing, arresting, or detaining certain foreign diplomatic officials, in any form, and forbids U.S. authorities from entering the residences, automobiles or other property of protected

persons. Where public safety is in imminent danger or it is apparent that a violent felony may otherwise be committed, police authorities may intervene to the extent necessary to halt such activity or defend themselves or others from personal harm.

- F. Mandatory Notification: As identified in this General Order, certain foreign nations have entered into specific bilateral agreements with the United States requiring that their consulate or embassy be notified of any arrest or detention of a foreign national of their country regardless of the desires of the arrested or detained foreign national.
- G. Notification at the Foreign National's Option: Foreign nationals from countries that are parties to the Vienna Convention on Consular Relations (VCCR) must be provided with the option of having the consulate notified of their arrest or detention. If the detainee requests notification, a responsible detaining official must ensure that notification is given to the nearest consulate.

3. Policy:

The Marshall County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them. For guidance in dealing with foreign diplomats, see <https://travel.state.gov/content/travel/en/consularnotification.html>.

Refer to the following for detailed information on the consular notification and access process:

[Contact Info for Foreign Embassies and Consulates](#)
[Consular Notification and Access Manual](#)
[Consular Notification Pocket Reference Card](#)
[Consular Notification Process Flow Chart](#)

4. Privilege from Arrest:

A. Diplomatic and Consular Immunity

- 1) Diplomatic immunity is a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and their personal activities. It should be emphasized, however, that even at its highest level, diplomatic immunity does not exempt diplomatic officers from the obligation of conforming to national and local laws and regulations.
- 2) Categories of persons entitled to diplomatic immunity are as follows:
 - a) **Diplomatic Agent**: Enjoys the highest degree of privileges and immunity. Diplomatic Agents may not be handcuffed (except in extraordinary circumstances), arrested, or detained for any criminal offense. Generally, they are immune from any civil suits,

but are not immune from receiving a citation/summons. Family members of these persons enjoy the identical privileges and immunity.

- b) **Diplomatic Administrative and Technical Staff:** Enjoy privileges and immunity similar to Diplomatic Agents. Diplomatic Administrative and Technical Staff may not be handcuffed, arrested, or detained for any criminal offense. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Officers may issue a citation for a motor vehicle violation. Family members enjoy identical privileges or immunity.
- c) **Diplomatic Service Staff:** They are accorded few privileges and immunities. Diplomatic Service Staff may be arrested or detained for criminal offenses. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Officers may issue a citation for traffic violations. Family members enjoy no privileges or immunities.
- d) **Consular Officers:** Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular Officers may be arrested or detained, pursuant to an arrest warrant, for felony offenses. They may be prosecuted for misdemeanors but may not be arrested or detained prior to trial or other disposition of charges. Officers may issue a citation for traffic violations. Generally, family members enjoy no privileges or immunity.
- e) **Consular Employees:** Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular Employees may be arrested or detained for criminal offenses. Officers may issue a citation for traffic offenses. Family members enjoy no privileges or immunity.
- f) **Honorary Consuls:** Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Honorary Consuls may be arrested or detained for criminal offenses. Officers may issue a citation for a traffic offense. Family members enjoy no privileges and immunity.

B. Procedure for Notification When a Foreign National is Arrested or Detained. (KLEAP 1.1.3)

- 1) Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.
- 2) All foreign nationals must be told of their right to Consular notification.
- 3) If the foreign national's country is not on the mandatory notification list:
 - a) Offer, immediately, to notify the foreign national's consular officials of the arrest/detention.

- b) If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country immediately.
- 4) If the foreign national's country is on the list of mandatory notification countries:
 - a) Notify that country's nearest consular officials, without delay, of the arrest/detention. Tell the foreign national that you are making this notification.

C. Procedures for Access When a Foreign National is Arrested or Detained (KLEAP 1.1.3)

- 1) A Consular official is entitled to access and may provide consular assistance to the foreign national arrestee while in detention.
- 2) If they so request, a consular official should be permitted access to an arrestee regardless whether the arrestee prefers the contact.
- 3) Consular access to an arrestee shall not be unduly restricted and should be permitted whenever operationally practical. However, employees are not required to delay legitimate operational activities such as booking or medical treatment of an arrestee, etc., in order to satisfy the convenience or preferences of the consular official.
- 4) A Consular official may procure a lawyer for an arrestee but may not personally function as the arrestee's legal counsel.
- 5) A Consular may be searched prior to contact with an arrestee.
- 6) A Consular official is entitled to speak confidentially with an arrestee, but employees may keep the consular official and the arrestee in sight for security reasons.

5. Claims of Immunity Procedures:

If an agency member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member shall, without delay:

- A. Notify a supervisor and dispatch. Dispatch will notify the Sheriff.
- B. Advise the person that their claim will be investigated, and they may be released in accordance with the law upon confirmation of the person's status.
- C. Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- D. Contact the DOS Diplomatic Security Command Center at (571) 345-3146 or toll-free at (866) 217-2089, or at another current telephone number, and inform the center of the circumstances.

- E. Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.
- F. Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

6. Documentation:

- A. All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.



Marshall County Sheriff's Office

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Sheriff Timothy D. Ackerman

Undersheriff Christopher R. Flood

To: Accreditation File 1.1.3

From: Sheriff Ackerman

Date: 04-18-2025

Ref: Consular Notification – No Occurrence

The Marshall County Sheriff's Office had no occurrence of consular notification for arresting or detaining foreign nationals during this accreditation period (January 3, 2023 – current).

In addition, the Marshall County Sheriff's Office had no occurrence of consular access for arresting or detaining foreign nationals during this accreditation period (January 3, 2023 – current).

