

Annapolis Police Department



GENERAL ORDER

Number: C.25

**Issue Date: November
2012**

TO: All Personnel

SUBJECT: Foreign Nationals Notification

PURPOSE

The purpose of this General Order is to outline requirements and the procedures for making consular notifications upon the arrest or death of a foreign national.

POLICY

It shall be the policy of the Annapolis Police Department to abide by the Vienna Convention on Consular Relations by making timely notifications when foreign nationals have been arrested or have died within the City of Annapolis.

DEFINITIONS:

Alien - Refer to Foreign National.

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.

Foreign National - A person who is not a citizen of the United States.

I. Consulate Notification

All foreign nationals have a right to notify their consular officials, without delay, after being arrested or detained. In some instances it is mandatory that the arresting or detaining officer make the notification on behalf of the foreign national. A list of telephone numbers is maintained in Communications. A Mandatory Notification List is provided in Appendix A.

Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by their 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, i.e., it may not be necessary to provide information about why a foreign national was arrested.

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.

Illegal aliens have the same rights to consular assistance as do legal aliens. There is no reason for purposes of consular notification to inquire into a persons' legal status in the United States. If there is reason to question whether the person arrested or detained is a U.S. citizen, the officer should inquire further about nationality so as to determine whether any consular notification obligations apply.

- A. If the foreign national is not from a mandatory notification country the arresting/detaining officer will read the Optional Notification Statement on Form 12-11-001, entitled "Statements to Arrested or Detained Foreign Nationals" to the foreign national.
 - 1. If the foreign national wants consular notification to be made the officer will do the following:
 - a. Contact the appropriate and nearest consulate.
 - b. Note the date and time notification was made.
 - c. Note the last name of the person to whom you gave notification.
 - d. Have the foreign national sign the form.
 - 2. If the foreign national waives consular notification the officer will do the following:
 - a. Note the date and time of the refusal.
 - b. Have the foreign national sign the form.
- B. If the foreign national is from a mandatory notification country the arresting officer will read the Mandatory Notification Statement on Form 12-11-001 to the foreign national. The officer will then do the following:
 - 1, Contact the appropriate and nearest consulate.
 - 2. Note the date and time notification was made.
 - 3. Note the last name of the person to whom you gave notification.
 - 4, Have the foreign national sign the form.

II. Death of a Foreign National

- A. Officers aware of the death of a foreign national in the City of Annapolis must ensure that the nearest consulate of the 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.
- B. Normally the foreign national's government will assist with the death notifications.

III. Reporting

- A. When a foreign national is arrested or detained the officer will write on the first line of the narrative "Foreign national notification waived" or "Foreign national notification made."
- B. Officers will submit the Statements to Arrested or Detained Foreign Nationals with the arrest folder to Central Records.
- B. If officers find themselves in situations where they need guidance on an issue with a foreign national the State Department or a particular foreign embassy may be contacted. Refer to Appendix B for telephone numbers.

Michael Pristoop
Chief of Police

References
1. Accreditation Standard: 1.1.4 2. Consular Notification and Access

Revision: This General Order replaces General Order C.25 Foreign Nationals Notification Dated February 2007

IMPORTANT TELEPHONE NUMBERS

Department of State Business hours 202-647-4415
After business Hours 202-647-1512

Canadian Embassy 202-682-1740
Fax 202-682-7726

El Salvadorian Embassy 202- 595- 7500
Fax 202-331-4036

Haitian Embassy 202-332-4090
Fax 202-745-7215

Korean Embassy 202-939-5600
Fax 202-342-1597

Mexican Embassy 202-736-1000
Fax 202-234-4498

Nigerian Embassy 202-986-8400
Fax 202-822-1562

Mandatory Notification Countries

Albania	Malta
Algeria	Mauritius
Antigua and Barbuda	Moldova
Armenia	Mongolia
Azerbaijan	Nigeria
Bahamas	Philippines
Barbados	Poland ²
Belarus	Romania
Belize	Russia
Brunei	Saint Kitts and Nevis
Bulgaria	Saint Lucia
China ¹ (Including Macau and Hong Kong)	Saint Vincent and the Grenadines
Costa Rica	Seychelles
Cyprus	Sierra Leone
Czech Republic	Singapore
Dominica	Slovakia
Fiji	Tajikistan
Gambia	Tanzania
Georgia	Tonga
Ghana	Trinidad and Tobago
Grenada	Tunisia
Guyana	Turkmenistan
Hungary	Tuvalu
Jamaica	Ukraine
Kazakhstan	United Kingdom ³
Kiribati	Uzbekistan
Kuwait	Zambia
Kyrgyzstan	Zimbabwe
Malaysia	

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- 1 Does not include Republic of China (Taiwan) passport holders.
 - 2 Mandatory for non-permanent residents only.
 - 3 U.K. includes Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, and the Turks and Caicos Islands. Residents' passports bear the name of their territory and may also bear the name "United Kingdom."

Statements to Arrested or Detained Foreign Nationals

Optional Notification:

Case number: _____

As a non-U.S. citizen who is being arrested or detained, you may request that we notify your country's consular officers here in the United States of your situation. You may also communicate with your consular officers. A consular officer may be able to help you obtain legal representation, and may contact your family and visit you in detention, among other things. If you want us to notify your consular officers, you can request this notification now, or at any time in the future. Do you want us to notify your consular officers at this time?

Por no ser ciudadano de los Estados Unidos, y estar arrestado o detenido, usted puede pedirnos que notifiquemos de su situación a los funcionarios de su país en los Estados Unidos. También puede comunicarse con los funcionarios consulares de su país. Entre otras cosas, un funcionario consular de su país puede ayudarle a conseguir asesoramiento legal, y también puede ponerse en contacto con su familia y visitarle en el lugar de detención. Si usted desea notifiquemos a los funcionarios consulares de su país, puede solicitarlo ahora o en cualquier oportunidad en el futuro. ¿Desea que notifiquemos ahora a los funcionarios consulares de su país?

Notification: Yes / Sí No / No Consulate contacted: _____

Date/Time: _____ Consulate Employee: _____

Foreign National Signature: _____

Mandatory Notification:

Because of your nationality, we are required to notify your country's consular officers here in the United States that you have been arrested or detained. We will do this as soon as possible. In addition, you may communicate with your consular officers. You are not required to accept their assistance, but your consular officers may be able to help you obtain legal representation, and may contact your family and visit you in detention, among other things. Please sign to show that you have received this information.

Debido a su nacionalidad, estamos obligados a notificar a los funcionarios consulares de su país en los Estados Unidos que usted ha sido arrestado o detenido. Haremos esta notificación lo más pronto posible. Además, usted puede comunicarse con los funcionarios consulares de su país. Usted no está obligado a aceptar su ayuda, pero esos funcionarios pueden ayudarle, entre otras cosas, a conseguir asesoramiento legal, y también pueden ponerse en contacto con su familia y visitarle en el lugar de detención. Por favor firma para indicar que ha recibido esta información.

Consulate Contacted: _____ Consulate Employee: _____

Foreign National Name (please print)

Foreign National Signature (Firma)

Date/Time: _____