

RENO POLICE DEPARTMENT GENERAL ORDER

This directive is for internal use only and does not enlarge this department's, governmental entities and/or any of this department's employees' civil or criminal liability in any way. It is not to be construed as the creation of a particular standard of safety or care in an evidentiary sense, with respect to any complaint, demand for settlement, or any other form of grievance or litigation. Violations of this directive, if substantiated, can only form the basis for intra-departmental administrative sanctions.

Chief of Police: Jerry Hoover /s/		
Legal Advisor: Karen Fraley /s/		
Approving Deputy Chief:		
General Order No: P-170-04	Issued: June 8, 2004	Supersedes: 1/460.000
General Order Title: DIPLOMATIC IMMUNITY		

POLICY

There will be occasions when persons entitled to privileges and immunities in the United States are involved in criminal or traffic violations. If a subject's immunity is verified, their immunity should be fully respected to the degree to which the person is entitled.

IMMUNITY FOR CONSULAR OFFICIALS

Under prevailing international law and agreement, *i.e.*, The 1961 Vienna Convention on Consular Relations, a foreign career consular officer is not liable to arrest or detention pending trial except in the case of a grave crime (a felony offense that would endanger public safety) and pursuant to a decision by the competent judicial authority. Immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination. A current reference chart on the various immunities can be located at the State Department Website, <http://ds.state.gov/dipimmunities/dichart.pdf>.

VERIFYING DIPLOMATIC IMMUNITY

When a police officer is confronted with a person claiming immunity, the officer will immediately request official Department of State identification to verify the person's status and immunity. If the individual is unable to produce satisfactory identification, and the situation would normally warrant arrest or detention, the officer should inform the individual that they will be detained until proper identity can be confirmed. In all cases, a supervisor will be notified.

DIPLOMATIC OFFICERS

Ambassadors and ministers are the highest ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché. These officials are usually based either in Washington, D.C. or in New York City.

There are three levels of privilege and immunity from criminal jurisdiction for Diplomats and Consular members:

Diplomatic

Diplomatic officers, and members of their families, may have diplomatic immunity depending on their position.

Diplomatic Agents, the highest level of immunity, gives the diplomat and his family immunity from arrest, search, prosecution, and issuance of a subpoena as a witness.

Members of Administrative and Technical Staff and their families have the same privileges as Diplomatic Agents.

Service Staff may be arrested, searched, prosecuted and subpoenaed as a witness except for official acts.

Consular

Career Consular Officers may be arrested for felonies pursuant to a warrant, searched, prosecuted and subpoenaed as a witness except for official acts.

Honorary Consular Officers may be arrested, searched, prosecuted and subpoenaed as a witness except for official acts.

Consular Employees may be arrested, searched, prosecuted and subpoenaed as a witness except for official acts.

International Organizations

International Organization Staff may be arrested, searched, prosecuted and subpoenaed as a witness except for official acts.

Diplomatic-Level Staff of Missions to International Organizations have the same privileges as Diplomatic Agents.

Support Staff of Missions to International Organizations may be arrested, searched, prosecuted and subpoenaed as a witness except for official acts.

NO IMMUNITY FOR NEVADA STATE OFFICIALS

Members of the Nevada State Legislature are not privileged from misdemeanor or traffic arrests while going to and returning from their respective legislative houses or committees or while attending them. While courteous demeanor by department members is required during such contacts, no immunity from arrest for any criminal offense is offered Nevada State Legislators or

other Nevada State officials.

TRAFFIC VIOLATIONS

Stopping a diplomatic or consular officer and issuing a traffic citation may not constitute an arrest or detention, and can be permissible even if immunity bars any further action at the scene. Officers may stop diplomats or consuls committing moving violations and issue a citation if appropriate. The diplomat or consul will not be required to sign the citation.

Sobriety tests will not be required. Based upon a determination of the circumstances, the following options are suggested:

Take them to a telephone so that they can call a relative or a friend to come get them.

Arrange for transportation to their home or office. Or, they may be voluntarily transported to the station or other location where they can recover sufficiently to enable them to proceed safely.

For further information and protocol refer to: *Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities, Department of State Publication*. Copies of this booklet are available in the Sergeants' and Lieutenants' offices.

Inquiry should also promptly be made to the Department of State in any case where an individual claims immunity and cannot present satisfactory identification or in any case where the officer has any questions. These contact numbers are available through the Sergeants' office.