



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: October 14, 2004	REVISED DATE: March 4, 2013	NO. PAGES: 1 of 4	NUMBER: 1.3.13
SUBJECT: <p style="text-align: center;">FOREIGN NATIONALS</p>			
ASSOCIATED MANUAL:		RELATED ORDERS: <p style="text-align: center;">1.3.35</p>	
CHIEF OF POLICE: <p style="text-align: center;"><i>Michael McGrath, Chief</i></p>			

*Substantive changes are italicized.*

**PURPOSE:** To provide guidelines for members of the Cleveland Division of Police in protocol, reports, and notifications, when *coming in contact* with foreign nationals.

**POLICY:** *The Cleveland Division of Police shall provide notification to the required consulate or embassy upon contact with a foreign national as applicable and required by international law.*

**DEFINITION:**

**Foreign National** is a person who is physically within the territorial boundaries of the United States and is not a citizen of the United States.

**PROCEDURES:**

- I. *If a foreign national dies, or experiences serious injury or serious illnesses, the closest consulate or embassy of the national's country shall be notified without delay.*
  
- II. *If a ship or airplane registered in a foreign country wrecks or crashes in the United States, the nearest consular officers of that country shall be notified without delay.*
  
- III. *Arrest, detention, or imprisonment of a foreign national.*
  - A. Arrest, imprisonment or other *detention* of a foreign national requires the arresting officer to immediately inform the arrested/detained person of their right to have their government informed.
  
  - B. If the arrested/detained person requests that their government be notified, the arresting officer shall promptly inform the appropriate foreign consulate or embassy.

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- C. Officers may obtain current embassy and consulate addresses and phone numbers from the Communications Control Section (CCS).
- D. Additional information relative to notification is available via telephone from *the Department of State Bureau of Consular Affairs*. *The telephone numbers for normal and outside business hours are available from CCS.*
- E. If a foreign national is a citizen of any of the below mentioned countries, notification shall be made without delay **whether or not the arrested/detained person so desires:**

Albania	Malta
Algeria	Mauritius
Antigua and Barbuda	Moldova
Armenia	Mongolia
Azerbaijan	Nigeria
Bahamas	Philippines
Barbados	Poland**
Belarus	Romania
Belize	Russia
Brunei	Saint Kitts and Nevis
Bulgaria	Saint Lucia
China*	Saint Vincent/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***
Kiribati	Uzbekistan
Kuwait	Zambia
Kyrgyzstan	Zimbabwe
Malaysia	

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Arrangements with these countries provide that United States authorities shall notify responsible representatives of these countries *without delay* of the arrest or detention of one of their nationals. *Detention does not include traffic stops or other brief investigative stops. Arrests do not include arrests for misdemeanor charges where the process from the time of arrest to release from custody lasts only several hours.*

*Notification is not mandatory for Taiwan nationals (who carry People's Republic of China passports). Such persons shall be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office can be notified upon their request.*

*\*Includes Macao and Hong Kong.*

*\*\*Mandatory only for foreign nationals who are not lawful permanent residents of the United States.*

*\*\*\*Includes Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Gibraltar, Montserrat, Northern Ireland and the Turks and Caicos Islands, along with other island territories.*

*Note: some foreign nationals may possess a driver license issued in the United States as well as also having a Social Security number.*

Subject to State law and regulations for access to arrested/detained persons, foreign consular officers have the right to visit their nationals who are in prison, custody or detention. They may converse, correspond, and arrange for their legal representation. The Division shall not permit a foreign consular officer to take action on behalf of an arrested or detained person if the person held expressly opposes such action.

#### IV. Record Management System (RMS) Reports

- A. In the arrest, imprisonment or detainment of a foreign national, the arresting officer shall complete an RMS report. The words **“Foreign National”** shall be entered on the line headed **ADDITIONAL DESCRIPTIVES in the SUSPECT/ARREST** section of the report.
- B. Officers making reports shall **include the name, location, and telephone number of the consulate or embassy notified** on behalf of the arrested/detained person and the name and title of the individual notified. This information shall be entered on the line headed NOTIFICATIONS, on page one of the RMS report.

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- C. When the arresting officer is unable to provide immediate consulate or embassy notification when requested by the arrested/detained person or as required by international law, **the reporting officer shall enter the reason such notification was not provided as the last line of the narrative on the RMS report.** (i.e., no response at the consulate or embassy, arrested/detained person states notification not wanted and mandatory notification not required).
- V. When a foreign national requests asylum, the member who receives the request shall contact the Department of State *Bureau of Consular Affairs*. *The telephone numbers for normal and outside business hours are available from CCS. The Division shall never reveal to the foreign national's government if a foreign national has or may have applied for asylum or is withholding of removal.*
- VI. *Consular notification is not required for United States citizens holding dual citizenship.*
- VII. *See General Police Order 1.3.35 for directives concerning diplomatic and consular immunity.*