



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 130 – FOREIGN NATIONALS – DIPLOMATIC IMMUNITY - IMMIGRATION ENFORCEMENT

**GENERAL ORDER:** 2022-XX  
**ISSUED:** June 27, 2022

**EFFECTIVE:** June 27, 2022

**REVIEWED/APPROVED BY:**  
Assistant Chief Steven Johnson  
**DATE:** May 13, 2022

**ACTION:** Amends General Order 2020-01 (April 21, 2020)

**WILEAG STANDARD(S):** 6.2.2

#### ROLL CALL VERSION

**Contains only changes to current policy.  
For complete version of SOP, see SharePoint.**

### 130.10 GENERAL PROCEDURES

#### A. ARRESTED OR DETAINED FOREIGN NATIONALS

For purposes of the following procedures, arrest / detention shall mean whenever a police member requires a person to accompany them to a place of detention.

1. Whenever a police member arrests or detains a person, the police member shall not inquire as to that person's citizenship to determine whether or not any consulate notification obligations apply.
  - a. Police members shall provide information to all arrestees or detainees that, if they are a foreign national, they have the right to consular notification.

**Note: In the event the country of origin is not listed on the U.S. Department of State website, or the listed number is incorrect, the notifying member shall contact ~~Washington D.C. directory assistance at 202-555-1212~~ the U.S. Bureau of Consular Affairs at 202-485-7703 (after hours number 202-647-1512) and request the specific country's embassy telephone or fax number.**

6. Questions and / or guidance regarding the arrest and detention of foreign nationals can be directed to the U.S. ~~Consular Affairs Office~~ Bureau of Consular Affairs (phone 202-647-4415 202-485-7703, after hours number 202-647-1512, and fax 202-736-7559 email [consnot@state.gov](mailto:consnot@state.gov), or [travel.state.gov/CNA](http://travel.state.gov/CNA)).

### 130.15 DIPLOMATIC IMMUNITY (WILEAG 6.2.2)

#### A. CATEGORIES OF PERSONS ENTITLED TO PRIVILEGES AND IMMUNITIES

2. Members of consular posts – consular posts provide a variety of support services for diplomatic missions, however consular personnel are granted only a very limited level of privileges and immunities. Members of consular posts include:

- a. Consular officers – may be arrested pending trial only if the offense is a felony and that the arrest is made pursuant to a decision by a competent judicial authority (e.g., a warrant issued by an appropriate court). They can be prosecuted for misdemeanors, but remain at liberty pending trial or other disposition of charges.
- b. Consular employees – enjoy the same rights and privileges as consular officers.
- c. Consular service staff – do not enjoy any personal inviolability or jurisdictional immunity of any kind.

**Note: Members may reference the U.S. Department of State [Diplomatic and Consular Immunity Manual](#) if they have additional questions about persons entitled to privileges and immunities as it provides a summary chart of when persons can be arrested or detained and examples of identifying documents.**

#### B. IDENTIFICATION OF PERSONS ENTITLED TO PRIVILEGES / IMMUNITIES IN THE U.S.

The only authoritative identity document is the identity card issued by the U.S. Department of State, Office of Protocol, or by the U.S. Mission to the United Nations. There are three types of identification cards issued, one each for diplomats (blue border), embassy employees (green border), and consular posts (red border).

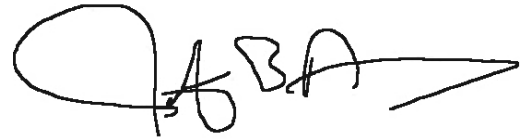
#### C. CRIMINAL INVESTIGATION PROCEDURES

3. In all cases, including those in which the suspect provides a U.S. State Department-issued identification card, the investigating member shall detain the suspect and immediately notify his or her shift commander of the circumstances of the investigation and the identity of the suspect. The shift commander shall then notify the on-duty commanding officer of the respective ~~geographic investigations division~~ Criminal Investigation Bureau division, who shall be responsible for contacting the U.S. Department of State, or in the case of the U.N. community, the U.S. Mission to the United Nations to verify the suspect's diplomatic status (see the U.S. Department of State [Diplomatic and Consular Immunity Manual](#)).
5. If the investigation reveals that probable cause exists to believe the suspect had committed a felony or violent crime, the on-duty commanding officer of that ~~geographic investigations division~~ Criminal Investigation Bureau division shall ensure that appropriate personnel are assigned to present the case to the district attorney's office for review and consideration of a deportation request to the U.S. Department of State.

#### D. TRAFFIC ENFORCEMENT

2. In OAI operating while intoxicated cases, the suspect shall be offered the standardized field sobriety test, however, those individuals enjoying personal inviolability privileges cannot be compelled to perform such tests. If the individual is

too impaired to continue driving, the department member shall not permit the individual to drive, but may assist that individual in obtaining transportation.

A handwritten signature in black ink, appearing to read 'JBA' with a long horizontal stroke extending to the right.

JEFFREY B. NORMAN  
CHIEF OF POLICE

JBN:mfk