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## Foreign Nationals and Diplomats

### 604.1 PURPOSE AND SCOPE

This policy addresses the privileges and immunities afforded to members of foreign diplomatic missions and consular posts.

This policy also addresses the legal requirements related to immigration and consular notifications that should occur when a foreign national is in custody.

### 604.2 POLICY

The Grant County Sheriff's Office Correctional Facility will treat foreign diplomatic and consular personnel with due regard for the privileges and immunities to which they are entitled under international law. The Office will investigate all claims of immunity and accept custody of the person when appropriate.

The Grant County Sheriff's Office Correctional Facility will also honor the laws related to foreign nationals in custody by making proper consular notifications and by assisting those who wish to contact their consular representative.

The Grant County Sheriff's Office Correctional Facility will notify United States immigration officials when any foreign national is committed to the custody of the correctional facility.

### 604.3 DIPLOMATIC AND CONSULAR IMMUNITY

#### 604.3.1 AVAILABILITY OF RESOURCES

The Facility Lieutenant will ensure that current contact information for the U.S. Department of State and the U.S. Mission to the United Nations is readily available for office members who need to verify a claim of diplomatic or consular immunity. Relevant material for law enforcement published by the U.S. Department of State Bureau of Diplomatic Security should be readily available as well.

#### 604.3.2 ADDRESSING CLAIMS OF DIPLOMATIC OR CONSULAR IMMUNITY

When an arrestee who claims diplomatic or consular immunity is brought to the Grant County Sheriff's Office Correctional Facility the receiving Corrections Deputy shall first inform the Facility Lieutenant and then generally proceed as follows:

- (a) Do not accept custody of the person from the transporting officer. The person should not be brought inside the Grant County Sheriff's Office Correctional Facility unless doing so would facilitate the investigation of his/her claim of immunity.
- (b) Do not handcuff the person, or, if handcuffs have been applied, remove them unless there is an articulable threat that would justify their use.
- (c) If the person has already been accepted into custody, inform the person that he/she will be detained until his/her identity and immunity can be confirmed. Attempt to

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obtain a U.S. Department of State-issued identification card or other identification or documents that may relate to the claimed immunity.

- (d) In all cases, verify the status and level of immunity by contacting the U.S. Department of State or the U.S. Mission to the United Nations, as appropriate.

It will be the responsibility of the Facility Lieutenant to communicate the claim of immunity to the on-duty supervisor of the arresting agency (if not the Grant County Sheriff's Office).

The Facility Lieutenant may assist another agency in determining the person's immunity status. The Facility Lieutenant is responsible for ensuring appropriate action is taken based upon information received regarding the person's immunity status.

#### **604.3.3 REPORTING**

If the person's immunity status has been verified, the Facility Lieutenant should ensure a report is prepared describing the details and circumstances of any detention or custody. A copy of the report should be faxed or mailed as soon as possible to the U.S. Department of State in Washington, D.C. or to the U.S. Mission to the United Nations in New York in cases involving a member of the United Nations community.

#### **604.4 CONSULAR NOTIFICATIONS**

##### **604.4.1 CONSULAR NOTIFICATION LIST AND CONTACTS**

The Chief Deputy will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to office members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be faxed and then retained for the record. Prominently displayed placards informing inmates of rights related to consular notification should also be posted.

Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and officials at the U.S. Department of Homeland Security (28 CFR 115.51).

##### **604.4.2 CONSULAR NOTIFICATION ON BOOKING**

Office members assigned to book inmates shall:

- (a) Inform the foreign national, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them. Members shall ensure this notification is acknowledged and documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
- (c) If the foreign national's country is not on the list for mandatory notification but the foreign national requests that his/her consular officers be notified, then:

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1. Notify the nearest embassy or consulate of the foreign national's country of the person's arrest or detention by faxing the appropriate notification form. If no fax confirmation is received, a telephonic notification should be made and documented.
  2. Forward any communication from the foreign national to his/her consular officers without delay.
- (d) If the foreign national's country is on the list for mandatory notification, then:
1. Notify the nearest embassy or consulate of the foreign national's country, without delay, of the person's arrest or detention by faxing the appropriate notification form. If no fax confirmation is received, a telephonic notification should be made and documented.
  2. Tell the foreign national that this notification has been made and inform him/her without delay that he/she may communicate with his/her consular officers.
  3. Forward any communication from the foreign national to his/her consular officers without delay.
  4. Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the inmate's file.

Members should never discuss anything with consulate personnel beyond the required notifications, such as whether the inmate is requesting asylum. Requests for asylum should be forwarded to the Facility Lieutenant.

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## Inmate Booking Intake

### 502.1 PURPOSE AND SCOPE

The Grant County Sheriff's Office has a legal and methodical process for the reception of arrestees into this facility. This policy establishes guidelines for security needs, the classification process, identification of medical/mental health issues and the seizure and storage of personal property.

### 502.2 POLICY

This office shall use the following standardized policies when receiving arrestees to be booked into this facility. This is to ensure security within the facility and that arrestees are properly booked and afforded their applicable rights.

### 502.3 PRE-BOOKING SCREENING

All arrestees shall be screened prior to booking to ensure the arrestee is medically acceptable for admission and that all arrest or commitment paperwork is present to qualify the arrestee for booking. Required paperwork may include the following:

- (a) Arrest reports
- (b) Probable cause declarations
- (c) Warrants or court orders
- (d) Accommodation requests related to disabilities (see the Inmates with Disabilities Policy)
- (e) Information regarding suicidal statements or actions
- (f) Level of intoxication
  - 1. If the level of intoxication is above .250 on the BAC or PBT, the prisoner will be refused until medically cleared by a trained professional.

Any discrepancies or missing paperwork should be resolved before accepting the arrestee for booking from the arresting or transporting officer/deputy.

Prior to accepting custody of an arrestee who claims to have been arrested due to a mistake of the arrestee's true identity or an arrestee who claims that identity theft led to the issuance of a warrant in the arrestee's name, staff shall make reasonable efforts to investigate the arrestee's claim of identity fraud or mistake.

#### 502.3.1 RECEIVING ARRESTEES

The Chief Deputy should ensure that policies and procedures related to the admission process are be communicated to law enforcement agencies which commonly bring arrestees to the jail for booking, including:

- (a) Arrestees in urgent need of medical attention should not be transported to this facility.
- (b) Arrestees brought to this facility should be properly restrained.

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- (c) Transporting officer should stay until the arrestee has been searched, screened and accepted.
- (d) All information relevant and necessary to safely process and house the arrestee shall be requested from transporting officer.

#### **502.4 SEARCHES BEFORE ADMISSION**

All arrestees and their property shall be searched for contraband by the booking Corrections Deputy before being accepted for booking. All contraband items will be handled according to facility policy. Items of possible evidentiary value may be turned over to the arresting or transporting officer/deputy for processing or processed according to the facility's rules for handling evidence. Approved personal property and clothing will be accepted. Items not approved will be returned to the arresting or transporting officer/deputy prior to the arrestee being accepted for booking.

Strip searches shall be conducted in accordance with the Searches Policy.

#### **502.5 ADMISSION PROCESS**

A unique booking number shall be obtained specific to the current admission. Photographs and fingerprints shall be taken.

The admission process should include an attempt to gather a comprehensive record of each arrestee, including the following:

- Identifying information (including name and any known aliases or monikers)
- Current or last known address and telephone number
- Date and time of arrest
- Date and time of admission
- Name of the arresting officer/deputy and transporting officer/deputy if different
- Health insurance information
- Legal authority for confinement, including specific charges, arrest warrant information and court of jurisdiction
- Sex
- Age
- Date and place of birth
- Race
- Height and weight
- Occupation and current or most recent employment

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- Preferred emergency contact including name, address, telephone number and relationship to inmate
- Driver license number and state where issued, state identification number or passport number
- Social Security number
- Additional information concerning special custody requirements or special needs
- Fingerprints (RCW 43.43.745)
- Photographs and notation of any marks or physical characteristics unique to the inmate, such as scars, birthmarks, deformities or tattoos
- Medical, dental and mental health screening records, including suicide risk
- Inventory of all personal property including clothing, jewelry and money
  - Items of rare or unusual value should be brought to the attention of a supervisor
  - The inmate's signature should be obtained on the booking record and on any forms used to record money and property
- Name of booking staff member

#### 502.5.1 LEGAL BASIS FOR DETENTION

Arrestees admitted to the facility shall be notified of the official charge for their detention or legal basis of confinement in a language they understand.

#### 502.6 TRANSITION FROM RECEPTION TO GENERAL POPULATION

The on duty supervisor is responsible to ensure only arrestees who qualify are placed into general population cells or housing. Those who will not be placed into general population include:

- (a) Arrestees who are eligible for release following citation.
- (b) Arrestees who are intoxicated or under the influence of any chemical substance.
- (c) Arrestees who are arranging bail.
- (d) They shall be permitted a reasonable period of time, at the discretion of the on duty supervisor to make telephone calls before being placed in general population.

#### 502.6.1 MONITORING FOR SIGNS OF INTOXICATION AND WITHDRAWAL

Staff shall respond promptly to medical symptoms presented by inmates to lessen the risk of a life-threatening medical emergency and to promote the safety and security of all persons in the facility.

Custody staff should remain alert to signs of drug and alcohol overdose and withdrawal, which include, but are not limited to, sweating, nausea, abdominal cramps, anxiety, agitation, tremors, hallucinations, rapid breathing and generalized aches and pains. Any staff member who suspects that an inmate may be suffering from overdose or experiencing withdrawal symptoms shall promptly notify the supervisor, who shall ensure that the appropriate medical staff is notified.

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#### 502.6.2 INMATE SEPARATION

Inmates should be separated from the general population during the admission process. Newly admitted inmates should be separated according to the facility's classification plan.

#### **502.7 INMATE PROPERTY CONTROL**

All property received from inmates at the time of booking shall be inventoried. A receipt should be signed by the inmate and the booking Corrections Deputy, and referenced to the booking number before the admission is completed. The original copy of the property receipt will be retained and placed in the inmate file and/or with the property.

##### 502.7.1 VERIFICATION OF INMATE'S MONEY

All monies belonging to the inmate and retained by the booking Corrections Deputy shall be verified in front of the inmate. All money should be placed in a separate envelope and sealed. The money shall then be receipted and secured in the locked box located in the Booking Area.

Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. Jewelry and other small property should also be sealed in an envelope. . The total amount of money in the envelope should always be computed and written on the outside of the envelope. A receipt with the total amount of money should be signed by the inmate and the booking Corrections Deputy before the admission is completed.

##### 502.7.2 PROPERTY STORAGE

All inmate property should be stored in a secure storage area. Only authorized personnel may access the storage area and only for the purpose of depositing or retrieving property, or to conduct duly authorized work, including maintenance and other duties as directed by the Chief Deputy.

#### **502.8 INMATE TELEPHONE CALLS**

Every inmate, whether adult or juvenile, detained in this facility shall be entitled to at least three completed telephone calls immediately upon being admitted and no later than three hours after arrest. The calls may be of a duration that reasonably allows the inmate to make necessary arrangements for matters that he/she may be unable to complete as a result of being arrested. The calls are not intended to be lengthy conversations and the custody staff may use their judgment in determining the reasonable duration of the calls. If it is determined that the person is a custodial parent with responsibility for a minor child, the person shall be entitled to make such additional telephone calls as reasonably necessary for the purpose of arranging care for the minor child.

There is no obligation for the custody staff to make a telephone call on an inmate's behalf, for example in the case of a person who is so intoxicated that he/she cannot make a call. The custody staff is not required to wake an intoxicated person so that the person may complete a call. An intoxicated person should be provided the opportunity to make the telephone calls once the person awakes.

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#### 502.8.1 TELEPHONE CALL PROCEDURES

Calls between the inmate and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (RCW 9.73.095(4)).

#### 502.8.2 ONGOING TELEPHONE ACCESS

Ongoing telephone access for inmates who are housed at this facility will be in accordance with the Inmate Telephone Access Policy.

#### **502.9 SHOWERING AND CLOTHING EXCHANGE**

Inmates should be given the opportunity to shower before being dressed in clean jail clothing. Showering should occur before an inmate is transferred from the temporary holding area to general population housing (see the Inmate Hygiene Policy).

#### **502.10 IMMIGRATION DETAINERS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a judicial warrant (Chapter 440 § 6, 2019 Laws).

##### 502.10.1 IMMIGRATION INQUIRIES

Corrections Deputies shall not (Chapter 440 § 6, 2019 Laws):

- (a) Inquire or collect information about an individual's immigration or citizenship status, or place of birth unless there is a connection between the information and an investigation into a violation of state or local criminal law.
- (b) Provide information pursuant to notification requests from federal immigration officials for the purpose of civil immigration enforcement, except as required by law.

No individual shall be held in custody solely for the purpose of determining immigration status (Chapter 440 § 6, 2019 Laws).

##### 502.10.2 IMMIGRATION OFFICIAL INTERVIEWS

Members shall not give federal immigration officials access to interview inmates about a noncriminal matter while in custody, except where allowed by state or federal law, court order, or by consent of the inmate (Chapter 440 § 6, 2019 Laws).

Permission may be granted to a federal immigration official to conduct an interview regarding federal immigration violations with an inmate if the inmate consents in writing to be interviewed. The Grant County Sheriff's Office shall provide the inmate with an oral explanation and a written consent form that explains the purpose of the interview, the interview is voluntary, and that the inmate may decline to be interviewed or choose to be interviewed with the inmate's attorney present. The form must explicitly state that the inmate will not be punished or suffer retaliation for declining to be interviewed. The form shall minimally be available in English and Spanish. The form shall be explained orally to an inmate who is unable to read the form or if necessary, explained by an interpreter from the Washington State Police (WSP) communications center language line or other WSP resources (Chapter 440 § 6, 2019 Laws).