

**FRANKLIN COUNTY CORRECTIONS CENTER  
STANDARD OPERATING PROCEDURE**

SUBJECT: CONSULATE NOTIFICATION FOR FOREIGN NATIONALS		APPROVED BY: <i>JD Raymond</i> Franklin County Sheriff	NO. FCCC-1512 Procedure
SUPERSEDES: FCCC-1512 DATED: 01/18/2021	<u>WASPC-JAS-15.12</u>	Chapter 15:  ADMISSION AND RELEASE	EFFECTIVE: 06/01/2021 REVIEW: 06/01/2022

3.0 DEFINITIONS:

**Foreign National:** For Consular notification, a foreign national is any person who is not a United States citizen, which includes lawful permanent residents who have a resident alien registration card (green card), foreign nationals who are in the United States on nonimmigrant visas, as well as an undocumented person

**Documented Foreign National:** A person **with** government-issued immigration documents, such as a green card, or a passport with a valid visa permitting them to be in the United States for a specific purpose (i.e., work, student, tourist, etc.).

**Undocumented Foreign National:** A person **without** government-issued immigration documents or a passport with a valid visa permitting them to be in the United States for a specific purpose (i.e., work, student, tourist, etc.).

**Consul or Consular Officer:** A foreign official authorized by the Department of State to provide assistance to the foreign government’s citizens in the United States.

**Diplomat:** A foreign official at the country’s embassy in Washington, D.C., assigned to represent that country. A diplomat may also perform consular functions and should be treated as the same as a Consul or Consular Officer.

**JMS: Jail Management System** – I/LEADS is an electronic software system used in the records management of the Franklin County Corrections Center.

5.0 PROCEDURES:

5.1 ACTION BY: Booking Deputy

1. Offenders will not be asked for their place of birth, or immigration or citizenship status at the time of booking. Instead, unknown or “XX” (the NCIC code for unknown) will be entered into the Birth City/State data fields entry location in JMS.
2. This information will be sent electronically to the LiveScan machine and will be what is reflected on the individuals fingerprint card and sent to WSP for fingerprint identification.

3. Consular notification will be done only if the offender voluntarily disclosed their citizenship information and then only for mandatory notification countries, unless the inmate specifically requests that their consulate be notified for non-mandatory countries.
4. The booking deputy who processes the foreign national is responsible for implementing the consular notification process.
5. The booking deputy may obtain the fax number of the consulate as well as download a fax cover sheet (available in multiple languages) at the State Department web site: [travel.state.gov](http://travel.state.gov)
6. The booking deputy will notify the on-duty supervisor of the need for consular notification.
7. Review the list of Mandatory Notification Countries to determine the next steps.

**Mandatory Notification Countries:**

Antigua and Barbuda	Malaysia
Armenia	Malta
Azerbaijan	Mauritius
Bahamas, The	Moldova
Barbados	Mongolia
Belarus	Nigeria
Belize	Philippines
Brunei	Poland (non-permanent residents only)
Bulgaria	Romania
China (a)	Russia
Costa Rica	Saint Kitts and Nevis
Cyprus	Saint Lucia
Dominica	Seychelles
Fiji	Sierra Leone
Gambia, The	Singapore
Georgia	Slovakia
Ghana	Tajikistan
Grenada	Tanzania
Guyana	Tonga
Hong Kong (b)	Trinidad and Tobago
Hungary	Turkmenistan
Jamaica	Tuvalu
Kazakhstan	Ukraine
Kiribati	United Kingdom (c)
Kuwait	U.S.S.R. (d)
Kyrgyzstan	Uzbekistan
Zambia	Zimbabwe

- a. Notification is not mandatory in the case of persons who carry the “Republic of China” passports issued by Taiwan. Such a person should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office (“TECRO”), the unofficial entity representing Taiwan’s interests in the United States, can be notified at their request.

- b. Hong Kong reverted to Chinese sovereignty on July 1, 1997, and is not officially referred to as the Hong Kong Special Administrative Region or “SAR.” Under paragraph 3(f)(2) of March 25, 1997, U.S.-China Agreement on the Maintenance of the U.S. Consulate General in the Hong Kong Special Administrative Region, U.S. officials are required to notify Chinese officials of the arrest or detention of the bearers of Hong Kong passports in the same manner as is required for bearers of Chinese passports, i.e., immediately and in any event within four days of the arrest or detention.
  - c. British dependencies also covered by the agreement are Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.
  - d. Although the U.S.S.R. no longer exists, some nationals of its successor states may still be traveling on its passports. Mandatory notification should be given to consular officers for all nationals of such states, including those traveling on old U.S.S.R. passports. The successor states are listed separately above.
8. If the foreign national’s country is **not** on the mandatory notification list above:
- a. As part of completing the booking process, the booking deputy shall inform the foreign national that he or she may have his or her consular officer notified of the arrest/detention.
  - b. If the foreign national asks that consular notification be given, the booking deputy will notify the nearest consulate as soon as reasonably possible but no longer than 72 hours after arrest/detention. The fax number of the consulate and email address, as well as a notification statement and fax materials used for the notification of consular officers, can be located at the State Department web site:  
<https://travel.state.gov/content/travel/en/consularnotification.html>
  - c. If the foreign national requests asylum or if a consular official or diplomat requests information that the foreign national does not wish to disclose, contact the State Department at (202) 485-7703.
  - d. The booking deputy will document the completed notification using the notification form available for download at  
<https://travel.state.gov/content/travel/en/consularnotification.html>.
  - e. The booking deputy will scan the notification form into the offender’s electronic booking file in the JMS.
9. If the foreign national’s country **is** on the list of mandatory notification countries:
- a. Notify the nearest consular officials for that country of the arrest/detention via fax or email as soon as reasonably possible and in no case longer than the end of the booking officer’s shift. Tell the foreign national that you are making this notification.
  - b. Notify the nearest consulate even if the foreign national does not want his or her consulate notified.
  - c. If the foreign national requests asylum or if a consular official or diplomat requests information that the foreign national does not wish to disclose, contact the State Department at (202) 485-7703.
  - d. Upon successful completion of the notification process, inform the foreign national that his or her consulate has been notified. The booking deputy will document that notification using the notification form available for download at [travel.state.gov](https://travel.state.gov).
  - e. The booking deputy will scan the completed notification form into the offender’s electronic booking file in the JMS.

7. In the event of a death of, or serious injury/illness too, a foreign national:
  - a. The Corrections Commander or designee shall notify the nearest consulate of his/her country immediately or as soon as reasonably possible.
  - b. Notification may be by fax or email and should be documented using the same notification process outlined in previous sections of this policy.
  - c. The notification documents should be scanned into the offender's electronic booking file in the JMS.

## 5.2 ACTION BY: On-Duty Supervisor

1. Provide oversight for booking staff to ensure all elements of this policy are followed.
  - a. The on-duty supervisor will ensure that a log entry is made into the master control log, indicating that the consular notification was conducted.

## 5.3 DISSEMINATION OF INFORMATION:

1. FCCC staff may not provide information pursuant to an offender's immigration or citizenship status, or place of birth may not be collected unless there is a connection between such information and an investigation into a violation of state or local criminal law.
2. FCCC staff may not provide information regarding a person's date of release from custody or any other information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement.
3. FCCC staff may not provide non-publicly available information on offenders to federal immigration authorities in a noncriminal matter.
4. FCCC staff may refer any inquiries or information requests to the department's Public Disclosure representative, who will respond as require by state and federal law.

## 5.4 INTERVIEW OF OFFENDERS B IMMIGRATION CUSTOM ENFORCEMENT AGENTS:

1. If an ICE Agent requests to interview an offender in custody, the first step is to determine if this is for a criminal investigation or another immigration related matter.
2. For Criminal Investigations:
  - a. The agent will be required to sign the "ICE Criminal Investigation Declaration" form.
  - b. If the agent signs the form acknowledging under penalty of perjury that they are conducting a criminal investigation, then they are to be permitted the same access to the offender as would be afforded any other law enforcement officer.
3. Non-Criminal Investigations:
  - a. The offender must be contacted by a Corrections Supervisor. The Supervisor must explain that an ICE Agent wishes to interview them.
  - b. The Supervisor will verbally explain the "Consent to be Interviewed" form and obtain the Offenders signature.

- c. The Offender has the right to refuse the interview, be interviewed only with an attorney present, or consent to be interviewed alone.
  - d. At no time shall the Supervisor attempt to encourage the offender towards any particular decision or provide any legal advice.
  - e. If the Offender refuses the interview, the ICE Agent will be notified, and the interview will not be conducted.
  - f. If the Offender consents to the interview, the ICE Agent will be required to sign the "Agent Access Acknowledgement" form.
4. Any forms completed as a result of the request for interview will be scanned and attached to the Offenders record in the Jail Management System.