

**FRANKLIN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

SUBJECT: Arrest and Detention of Foreign Nationals		APPROVED By: <i>JD Raymond</i> Franklin County Sheriff or Designee	NO. 207
SUPERSEDES: 2.01.50	Article 36 WASPC 2.7	Chapter 2: Role and Authority	EFFECTIVE: 04/01/17 NEXT REVIEW: 10/01/21

- 1.0 **PURPOSE:** To ensure compliance with Article 36 the Vienna Convention on Consular Relations that provides certain rights to foreign nationals when arrested.
- 2.0 **AUTHORITY:** Office of the Franklin County Sheriff
- 3.0 **DEFINITIONS:**
 - 3.1 Foreign National: 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 undocumented person.
 - 3.2 Documented Foreign National: A person **with** government issued immigration documents, such as a green card, or a passport with a valid visa granting them permission to be in the United States for a specific purpose (i.e. work, student, tourist, etc.).
 - 3.3 Undocumented Foreign National: A person **without** government issued immigration documents or a passport with a valid visa granting them permission to be in the United States for a specific purpose (i.e. work, student, tourist, etc.).
 - 3.4 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.
 - 3.5 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.
- 4.0 **POLICY:**
 - 4.1 The Franklin County Sheriff's Office will comply with all United States treaty obligations on consular notification and access.
 - 4.2 Ambassadors and ministers are the highest ranking diplomatic representatives of foreign government; other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary and Attaché. Diplomatic officers, their families, and servants are protected by immunity from arrest, detention, or prosecution with respect to traffic related, civil or criminal, offense(s).
 - 4.3 Career consular officials can be identified by credentials issued from the State Department. The State Department credential bears its seal, the name of the officer, title, and the signatures of the State Department officials.

- 4.4 Honorary consular officials do not receive identification card from the State Department, but may exhibit reduced-sized copies of diplomatic note evidencing recognition by the United States government. These individuals are not immune from arrest or detention. Family members of consular officers cannot claim immunity.
- 4.5 Article 36, of the Vienna Conventions on Consular Relations, requires that foreign nationals who are arrested have the right to have their respective Consulate notified of the arrest.

5.0 PROCEDURES:

- 5.1 If during the course of a deputy's investigation, arrest, or the booking process it becomes known that the arrestee is a foreign national from a mandatory notification country (as listed below), the deputy shall without delay advise the arrestee that they have the right to have their Consulate notified of such arrest. Upon arrival at the Franklin County Corrections Center, the deputy will advise corrections deputies to immediately begin the notification process for the Consulate of the foreign national, even if the arrestee objects. The deputy will document the advisement and notification of the consulate in their report.

5.2 **Mandatory Notification Countries:**

Albania	Ghana	Saint Lucia
Algeria	Grenada	Saint Vincent and the Grenadines
Antigua and Barbuda	Guyana	Seychelles
Armenia	Hungary	Sierra Leone
Azerbaijan	Jamaica	Singapore
Bahamas	Kazakhstan	Slovakia
Barbados	Kiribati	Tajikistan
Belarus	Kuwait	Tanzania
Belize	Kyrgyzstan	Tonga
Brunei	Malaysia	Trinidad and Tobago
Bulgaria	Malta	Turkmenistán
China (including Hong Kong & Macao)*	Mauritius	Tuvalu
Costa Rica	Moldova	Ukraine
Cyprus	Nigeria	United Kingdom ‡
Czech Republic	Philippines	Uzbekistan
Dominica	Poland †	Zambia
Fiji	Romania	Zimbabwe
Gambia	Russia	
Georgia	Saint Kitts and Nevis	

* Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons 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.

† Mandatory only for foreign nationals who are not lawful permanent residents in the United States (i.e., "green card" holders). Otherwise, upon the national's request.

‡ The bilateral convention between the United States and the United Kingdom applies to British nationals from Great Britain (England, Wales and Scotland); Northern Ireland; the Crown Dependencies of Jersey, Guernsey, and the Isle of Man; and the British Overseas Territories, including Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Gibraltar, Montserrat, and the Turks and Caicos Islands, along with other island territories. Residents of the Overseas Territories may be traveling on a passport issued by the territory with no indication that the territory is British. Nevertheless, for them and all others from a British possession listed above, consular notification and access should be provided to the nearest U.K. consulate.

- 5.3 If during the course of a deputy's investigation, arrest, or the booking process it becomes known that the arrestee is a foreign national from a country **not** on the mandatory notification list above, such as Mexico or Canada, the deputy will advise the Franklin County Corrections Center of this fact during the booking process. Corrections deputies will advise the arrestee of their right to notify their Consulate, and will make such notifications as requested ([FCCC Policy 1512](#)).

- 5.4 Diplomatic and consular officials should be afforded their respective privileges, rights and immunities as directed by international law and federal statute. These officials should be treated with courtesy and respect that befit their distinguished positions.
- 5.5 Nothing contained within this policy shall constitute a directive for deputies to inquire about a person's immigration status, or nation of origin, unless directly related to an investigation under the deputy's authority and general job duties.

6.0 IMPLEMENTATION:

This Policy and Procedure is effective immediately.

7.0 ATTACHMENTS:

[U.S. Department of State – Bureau of Consular Affairs](#)

**FRANKLIN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

SUBJECT: Preventing Bias-Based Law Enforcement		APPROVED BY: <i>JD Raymond</i> Franklin County Sheriff or Designee	NO. 1303
SUPERSEDES: 1.07.16	WASPC 13.3	Chapter 13: Code of Conduct	EFFECTIVE: 04/01/18 REVIEW: 04/01/21

1.0 **PURPOSE:** To establish a policy that explicitly prohibits biased-based law enforcement, as well as, identifying methods to prevent implicit bias in conducting law enforcement.

2.0 **AUTHORITY:** Office of the Franklin County Sheriff

3.0 **DEFINITIONS:** None

4.0 **POLICY:**

- 4.1 The Franklin County Sheriff's Office is committed to unbiased law enforcement by providing services and enforcing laws in a fair and equitable manner.
- 4.2 No person shall be singled out or treated differently as a consequence of his/her race, age, ethnicity, sexual orientation, gender or disability. Taking any action solely based on this information is not only unethical but is also illegal and therefore strictly forbidden.
- 4.3 All investigative detentions, traffic stops, arrests, searches and seizures of property by deputies will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and Article I, Section VII of the Washington State Constitution. Deputies must be able to articulate specific facts, circumstances, and conclusions which support probable cause or arrest or reasonable suspicion for the traffic stop or investigative detention.
- 4.4 Deputies may take into account the reported race, ethnicity, age, gender, or national origin of a specific suspect or suspects based on credible or reliable information that links specific suspected unlawful activity to a particular individual or group of associated individuals of a particular race, ethnicity, or nationality in the same way they would use specific information regarding age, height, weight, etc. about specific suspects.
- 4.5 Except as provided above, no deputy shall consider race, ethnicity, age, gender, or national origin in establishing either reasonable suspicion or probable cause.

5.0 **PROCEDURES:**

- 5.1 In an effort to prevent perceptions of bias-based law enforcement, deputies shall utilize the following strategies when conducting investigative detentions, traffic stops, arrests, searches, a seizures of property.
 - Be courteous, polite, and professional.
 - Introduce yourself and explain to the person contacting the reason of the contact as soon as practical, unless providing this information will compromise the investigation or

the safety of deputies or other persons.

- Ensure that the length of the contact or detention is no longer than necessary to take appropriate action for the known or suspected offense.
- Answer any questions the contacted person may have including options for the disposition of a traffic citation if relevant.
- Provide your name and badge number when requested, in writing or on a business card.

- 5.2 In addition to the above strategies, no member of the Franklin County Sheriff's Office will engage in conduct that is discriminatory or harassing in nature, including behavior or statements that are racist or sexist in nature, or which disparage racial or ethnic groups, genders, or people with disabilities.
- 5.3 Any reported violations of this policy will be investigated and may result in appropriate disciplinary action. Investigations will be fair and in accordance with any existing bargaining unit agreements and/or policies regarding internal investigations. Sustained acts committed under this policy may subject a deputy to civil action by affected parties.
- 5.4 Supervisors shall ensure all personnel under their command are familiar with the content of this policy and are operating in compliance.
- 5.5 The Commander will conduct an annual review of citizen complaints to ensure ongoing compliance with this policy. The Commander shall report the results of this review and any recommendations for policy changes to the Sheriff by March 15 of the following year.
- 5.6 Any retaliation due to a complaint under this policy is strictly forbidden and may result in appropriate disciplinary action. This may be treated separately and independently from any initial investigation. A finding of sustained from an initial complaint is not required for a finding of sustained on a complaint of retaliation.

6.0 IMPLEMENTATION:

This Policy and Procedure is effective immediately.

7.0 ATTACHMENTS:

None

**FRANKLIN COUNTY CORRECTIONS CENTER
STANDARD OPERATING PROCEDURE**

SUBJECT: CONSULATE NOTIFICATION FOR FOREIGN NATIONALS		APPROVED BY: <i>JD Raymond</i> Franklin County Sheriff or Designee	NO. FCCC-1512
SUPERSEDES: FCCC-1512 DATED: 11/01/2017	WASPC-JAS-15.12	Chapter 15: ADMISSION AND RELEASE	EFFECTIVE: 10/01/2018 REVIEWED: 08/01/2020

- 1.0 **PURPOSE:** To ensure compliance with the Vienna Convention on Consular Relations to provide certain rights to foreign nationals when arrested, including access to the diplomatic representative of their country of citizenship for offenders at the Franklin County Corrections Center (FCCC).
- 2.0 **AUTHORITY:**
 - 2.1 Franklin County Sheriff's Office (FCSO)
 - 2.2 Article 36 of the Vienna Convention on Consular Relations.
- 3.0 **DEFINITIONS:**
 - 3.1 **Foreign National:** For the purposes of 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 undocumented person
 - 3.2 **Documented Foreign National:** A person **with** government issued immigration documents, such as a green card, or a passport with a valid visa granting them permission to be in the United States for a specific purpose (i.e. work, student, tourist, etc.).
 - 3.3 **Undocumented Foreign National:** A person **without** government issued immigration documents or a passport with a valid visa granting them permission to be in the United States for a specific purpose (i.e. work, student, tourist, etc.).
 - 3.4 **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.
 - 3.5 **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.
 - 3.6 **JMS:** Jail Management System – I/LEADS is an electronic software system used in the records management of the Franklin County Corrections Center.

4.0 POLICY:

- 4.1 Franklin County Corrections Center will comply with all United States treaty obligations on consular notification and access.

5.0 PROCEDURES:

5.1 ACTION BY: Booking Deputy

1. The booking officer who processes the foreign national is responsible for implementing the consular notification process.
2. In the absence of other information, assume the person's country of citizenship to be the one that issued the passport or other travel document the foreign national possesses. If the person states they are a U.S. citizen, no further action is required.
3. The booking officer 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
4. The booking deputy will notify the on-duty supervisor of the need for consular notification.
5. Review the list of Mandatory Notification Countries to determine 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
Kyrgyzstan
Zambia

U.S.S.R. (d)
Uzbekistan
Zimbabwe

- (a) Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such 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 the 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.

6. 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.

7. 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.
- 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 to, 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.

6.0 IMPLEMENTATION & REVIEW:

6.1 Implementation

1. This procedure is effective immediately.

6.2 Review

1. This procedure will be reviewed annually, or as otherwise necessary.

7.0 ATTACHMENTS:

None

8.0 FORMS:

None