

ANNE ARUNDEL COUNTY DEPARTMENT OF DETENTION FACILITIES  ADMINISTRATIVE DIRECTIVE	AD NO: 06.05 DATE: September 10, 2024 SUBJECT: Inmate Rights TITLE: Consular Notification for Foreign Nationals FOR PUBLIC RELEASE: Yes
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- I. Reference: United States Department of State Consular Notification and Access, Fifth Edition
- II. Applicable to: Anne Arundel County Department of Detention Facilities (AACDDF)
- III. Purpose: To establish guidelines for consular notification and access following the arrest and detention of a foreign national.
- IV. Policy:
  - A. The AACDDF shall comply with the treaty obligations of the United States Department of State regarding consular notification and access for foreign nationals who are arrested or detained.
  - B. Foreign Nationals arrested or detained within the United States by any Federal, State, or Local Law enforcement personnel have the right to have their consular officials notified of their arrest if they so choose in accordance with international treaty obligations to which the United States is a signatory. These obligations are binding upon all Federal, State and Local Officials. Similarly, consular officials have the right of access to their foreign nationals if requested by the foreign national.
  - C. In all cases, a foreign national must be told of his/her right of consular notification and access. In most cases the foreign national has the option of deciding whether to have their consular representatives notified of their arrest or detention. In certain cases, notification of the consular officials of the foreign national is mandatory regardless of the foreign national's wishes.
  - D. Copies of the Consular Notification and Access: Instructions for Federal, State, and Local Law Enforcement and Other Officials regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them (Appendix 1) are located in Booking/Receiving, Sergeant's Office, Lieutenant's Office, Compliance Office, ACFA Office, Records Office, Pretrial Office and Classification Office. This document contains detailed instructions on the treatment of foreign nationals, frequently asked questions about the process, translations of the required information to provide to foreign nationals in a variety of languages, mandatory notification provisions, telephone numbers of embassies and consulates, and sample fax sheets for use to provide notification as well as any additional information.

- E. Consular Notification – Where notification is required, this shall be made by a CJPS or ACFA during regular business hours. During non-regular business hours, notifications shall be made by a Sergeant or Lieutenant.
1. A foreign national must be advised of the right to have their consular officials notified of their arrest and/or detention. Prepared statements translated into a variety of languages are included Appendix 1, Part 5. These statements are to be used by staff when advising foreign nationals of their right of consular notification.
  2. Consular notification is expected to be completed within a twenty-four (24) hour period of detention. If any circumstance prohibits making notification within this time frame, it must be clearly documented in an Incident Report.
  3. In certain instances, the nearest consular official must be notified of the arrest or detention of a foreign national regardless of the wishes of the foreign national. **THIS NOTIFICATION IS MANDATORY.** A listing of the countries requiring mandatory notification may be found in Appendix 1, Part 1.
  4. Consular officials are entitled access to their foreign nationals in custody through professional visits and are entitled to provide consular assistance. Visits of consular officials shall typically occur during normal business hours but may be scheduled at other times as appropriate. Any contact by a consular official to visit a foreign national should be directed to the Shift Supervisor for approval.
  5. Consular and Diplomatic Officials have identification cards issued by the Department of State (Appendix 2). If you have doubts about the authenticity of the State Department identification card, you can call the Department's Office of Protocol at (202) 647-1985 to have the identity and status of the official verified during business hours. After business hours, contact the Diplomatic Security Command Center at the Department of State (571) 345-3146 or (866) 217-2089.
  6. When a foreign national becomes seriously injured or seriously ill, the Sergeant or Lieutenant shall initiate consular notification.
  7. Notification to consular officers of an in-custody death of a foreign national should be made by the appropriate U.S. state or local authority (e.g., coroner, medical examiner, law enforcement officer investigating the death).
  8. When guardianship or trusteeship is being considered with respect to a foreign national who is a minor or an incompetent adult, consular officials must be notified by the appropriate judicial official.

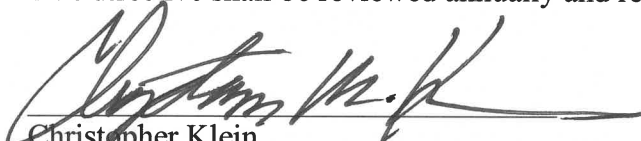
V. Procedure:

- A. When a foreign national is arrested or detained, the Booking/Receiving Officer shall determine the individual's country of citizenship. In the absence of other information, assume this is the country noted on the detainee's passport or other travel document.
- B. If the foreign national's country is **NOT** on the mandatory notification list included in Appendix 1, Part 1;
  - 1. the Booking/Receiving Officer shall offer, without delay, to notify the foreign national's Consular Officials of the arrest/detention. Sample notification statement for mandatory and non-mandatory countries and translations are available in Appendix 1, Part 5.
  - 2. If the foreign national asks that consular notification be given, the individual listed in section IV.E. of this directive shall notify the nearest consular official of the foreign national's country without delay. Telephone and fax numbers for foreign embassies and consulates in the United States are included in Appendix 1, Part 5.
- C. If the foreign national's country is on the list of mandatory notification countries in Appendix 1, Part 1 the Booking/Receiving Officer shall;
  - 1. locate the contact information for Foreign Embassies & Consulates using <https://travel.state.gov/content/travel/en/consularnotification.html>
  - 2. notify that country's nearest Consular Official(s), without delay, of the arrest/detention.
  - 3. advise the foreign national that notification is being made using the sample statement Appendix 1.
- D. The employee shall document this notification on an Incident Report for inclusion in the Programs and Standards files. All actions taken must be recorded to include these elements:
  - 1. Name(s) of the foreign national
  - 2. Country of Citizenship
  - 3. Type of Notification: Non-Mandatory or Mandatory
  - 4. Day, date and time of notice to the foreign national
  - 5. Foreign national desired or not to have notification made
  - 6. If notice is made, day, date, and time that Consular Notice was made and to whom
  - 7. U.S. State Department called or not
  - 8. Translation required or not

- E. Under no circumstances should any information that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person's government.

Should a Directive, Post Order or other publication become unenforceable or require modification to address operational changes or needs, employees shall document their recommendation and forward it for consideration through their Chain of Command.

This directive shall be reviewed annually and revised as necessary.



Christopher Klein  
Superintendent

Rescinds: AD 10.05 August 28, 2000

Appendix 1 – Consular Notification and Access: Instructions for Federal, State and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them

Appendix 2 – Diplomatic and Consular Officer Identification Cards