

 <p style="text-align: center;">YALE UNIVERSITY POLICE DEPARTMENT GENERAL ORDERS <i>Serving with Integrity, Trust, Commitment and Courage Since 1894</i></p>	ORDER TYPE: NEED TO REFER 311A DIPLOMATIC IMMUNITY	
	EFFECTIVE DATE: <p style="text-align: center;">16 NOV 2015</p>	REVIEW DATE: <p style="text-align: center;">ANNUAL</p>

GENERAL

Diplomatic immunity is a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their personal activities.

The special privileges and immunities accorded foreign diplomatic and consular representatives assigned to the United States reflect rules developed among the nations of the world regarding the manner in which civilized international relations must be conducted. The underlying concept is that foreign representatives can carry out their duties effectively only if they are accorded a certain degree of insulation from the application of standard law enforcement practices of the host country.

Frequently (and erroneously), immunity is understood to mean pardon, total exoneration, or total release from the responsibility to comply with the law. In actuality, immunity is simply a legal barrier which precludes U.S. courts from exercising jurisdiction over cases against persons who enjoy it and in no way releases such persons from the duty, embodied in international law, to respect the laws and regulations of the United States.

It is the policy of the U.S. Department of State, with respect to alleged criminal violations by persons with immunity from criminal jurisdiction, to encourage law enforcement authorities to pursue investigations vigorously, to prepare cases carefully and completely, and to document properly each incident so that charges may be pursued as far as possible in the U.S. judicial system.

The vast majority of persons entitled to privileges and immunities in the United States are judicious in their actions and keenly aware of the significance attached to their actions as representatives of their sending country. On occasion, however, one of them may become involved in criminal misconduct. The more common violations are traffic (illegal parking, speeding, reckless driving, and DWI), shoplifting, and assault.

Whatever the offense or circumstances of contact, officers should keep in mind that such persons are official representatives of foreign governments who are to be accorded the maximum degree of respect possible under the circumstances. It is not an exaggeration to say that police handling of incidents in this country may have a direct effect on the treatment of US. diplomatic or consular personnel abroad.

Due to the nature of the University, officers may encounter persons who possess or claim diplomatic immunity. Since these laws and regulations are generally not well understood, officers may misapply them. The purpose of this SOP is to provide guidance to officers dealing with persons who possess or claim diplomatic immunity. When feasible to do so, personnel will be notified when persons possessing diplomatic immunity are or will be on campus.

DEFINITIONS

Diplomatic Mission	Both the chancery where embassy work is performed and the residence of the head of the mission.
Diplomatic Immunity	Full or limited criminal immunity enjoyed by the personnel of a foreign diplomatic mission and, in varying degrees, their family members, because they serve as representatives of a sovereign state and require special rights and guarantees for the effective functioning of the mission.

Diplomatic Agents	Includes heads of missions, ambassadors, charge d'affaires, and members of their diplomatic staff, i.e., those recognized by the U.S. Government as having diplomatic rank and title.
Administrative and Technical Staff	Includes secretaries, clerical personnel, office managers, and certain professional security personnel.
Service Staff	Drivers, cleaners and building,/grounds personnel.
Private Servants to Members of the Mission	Persons hired by diplomats for their personal service
Consular Officers	Perform a variety of functions of principal interest to their countries (e.g., issuance of travel documents, attending to difficulties of their own countrymen and generally promoting the commerce of their country.)
Special Bilateral Agreements	The United States has bilateral agreements with some foreign countries which grant significantly higher privileges and immunities to all members of their embassy staffs and to certain consular personnel. Persons in this classification will be properly identified when identity documents are issued, but officers should be aware of this distinction because they may have to confront situations where agents one of these countries may correctly assert a right to full diplomatic privileges when they may not otherwise be entitled to it.

PROCEDURES

FULL CRIMINAL IMMUNITY

- Is given to the diplomatic agents, administrative and technical staff of missions and their families;
- Means immunity from prosecution and
- Means that the residence, vehicles, papers, and correspondence of an individual with this immunity classification cannot be searched,
- The person cannot be detained or arrested,
- And is not required to give evidence as a witness.

LIMITED CRIMINAL IMMUNITY

- Is granted to service staff members;
- Means they can be detained, arrested, and prosecuted for criminal acts.
- If prosecuted, service staff members can raise official acts immunity as an affirmative defense.
- The court having jurisdiction will determine whether the service staff member was acting in his capacity at the time of the offense.
- Service staff can be required to give evidence as witnesses,
- And their persons and effects can be searched, in accordance with local law.

CLAIMS OF DIPLOMATIC IMMUNITY-VERIFICATION OF STATUS

- Officers will notify their supervisor immediately whenever they investigate an incident involving a person claiming diplomatic immunity.
- Persons claiming immunity in situations normally warranting arrest or detention whose status cannot be verified will be informed that they will be held in custody long enough to confirm their identity and status.
- Officers may intervene to the extent necessary to defend themselves or others from personal harm when public safety is in imminent danger or it is apparent that a serious crime may otherwise be committed.
- Identity and status will be confirmed immediately by the supervisor through the Department of State Diplomatic Security Coordination Center.
- The verification process may also be used in any case where the officer has reason to believe that invalid or fraudulent identification is being presented.
- Immunity will be fully respected when proper I.D. is shown and status is verified.

- Persons granted full immunity as a diplomatic agent may not be arrested and should not, except in the most extraordinary circumstances, be detained in any way.
- Officers will record all pertinent information from the I.D. card and details and circumstances of the incident and complete an Offense Report. Serious incidents should be reported by telephone as soon as possible by the officer's supervisor.

PERSONAL INVIOABILITY VS. PUBLIC SAFETY

Personal inviolability is enjoyed to some degree by a majority of foreign diplomatic and consular personnel. This inviolability *generally* precludes handcuffing, arrest, or detention in any form and forbids U.S. authorities from entering the residences, automobiles, or other property of protected persons. Personal inviolability is, however, qualified by the understanding, well established in international practice that the host country does not give up its right to protect the safety and welfare of its populace and retains the right, in extraordinary circumstances, to prevent the commission of a crime.

Thus, in circumstances where public safety is in imminent danger or it is apparent that a grave crime may otherwise be committed, police authorities may intervene to the extent necessary to halt such activity. This naturally includes the power of the police to defend themselves from personal harm.

PERSONAL INVIOABILITY AND HANDCUFFING

If the suspect enjoys personal inviolability, he or she may not be handcuffed, **except when that individual poses an immediate threat to safety**, and may not be arrested or detained. Once all pertinent information is obtained, that person must be released. A copy of the incident report should be faxed or emailed as soon as possible to the U.S. Department of State in Washington, D.C., or to the U.S. Mission to the UN in New York in cases involving the UN community.

DIPLOMATIC REGISTRATION PLATES AND DRIVER'S LICENSES

The U.S. Department of State, through its Office of Foreign Missions' Diplomatic Motor Vehicle Office, has jurisdiction over the registration of vehicles, the issuance of distinctive license plates for those vehicles, and the issuance of operator permits for individuals who enjoy privileges and immunities in the United States. These federal registration documents and driver's licenses do not definitively reflect the degree of privileges and immunities of the bearer. They should be relied upon only as an indication that the bearer may enjoy some degree of immunity.

The U.S. Department of State's distinctive license plates are designed to assist officers in identifying vehicles that belong to foreign missions and those mission members who may enjoy some degree of immunity. However, those plates alone should not be considered verification of the status of the vehicle's operator. For example, police officers should bear in mind that a diplomatic agent who is visiting a consulate may be driving a car with "C" plates. Or a U.S. citizen who is the spouse of a diplomat may be driving a car with "D" plates even though he or she does not have immunity. (Conversely, a diplomatic agent or consular officer may be driving a rented or borrowed car that does not have any type of U.S. Department of State license plate.) These examples serve to emphasize that, whatever kind of license plate is on a vehicle, police officers need to verify with the Department of State a driver's claim of diplomatic or consular status.

A vehicle registration card is issued at the time of initial registration and registration renewal. It contains the following information: name and address of the registered owner, license plate number, vehicle identification number, vehicle make, vehicle model, vehicle color, date of initial registration, and expiration date of the current registration. Decals with the month and year reflecting the expiration date of the current registration period are issued with the card and must be displayed on the vehicle's rear license plate.

The U.S. Department of State's vehicle registration and driver's license status records are available to law enforcement agencies through the National Law Enforcement Telecommunications System (NLETS). Agencies may access these records using the standard NLETS registration and driver query formats. NLETS has assigned state code

(destination ORI) "US" to this data base. If an agency requires additional motor vehicle information, it can be obtained telephonically using the numbers on the back of the diplomatic driver's license.

In cases where the officer at the scene has determined that the vehicle is being operated without insurance and/or has verified with the U.S. Department of State that the vehicle bearing U.S. Department of State license plates is not the vehicle for which those plates were intended, the Department may request that the local law enforcement agency impound the plates and return them to the Department. Such impoundment should only be upon the request of the U.S. Department of State.

Vehicle license plates issued by the U.S. Department of State must be understood properly by law enforcement authorities in order to avoid confusion. Federal registration plates issued by the U.S. Department of State are not the property of the diplomat or of a diplomatic mission and remain the property of the Department at all times. As such, they must be surrendered to the U.S. Department of State when recalled. Similarly, these license plates may not be transferred from the vehicle to which they were assigned by the U.S. Department of State without the authorization of its Office of Foreign Missions.

The U.S. Department of State's Diplomatic Motor Vehicle Office maintains driver histories on all its licensees and assesses points for moving violations. Drivers who demonstrate a pattern of bad driving habits or who commit an egregious offense such as DWI are subject to having their licenses suspended or revoked as appropriate.

TRAFFIC VIOLATIONS INVOLVING DIPLOMATS CTLEA 2.3.5c

Property Inviolability and Vehicles

The property of a person enjoying full criminal immunity, including his or her vehicle, may not be searched or seized. Such vehicles may not be impounded or "booted" but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety.

If a vehicle that is owned by a diplomat is suspected of being stolen or used in the commission of a crime, occupants of the vehicle may be required to present vehicle documentation to permit police verification of the vehicle's status through standard access to NLETS (use access code US). Should the vehicle prove to have been stolen or to have been used by unauthorized persons in the commission of a crime, the inviolability to which the vehicle would normally be entitled must be considered temporarily suspended, and normal search of the vehicle and, if appropriate, its detention, are permissible.

Moving Violations

- Since the issuance of a traffic citation does not constitute an arrest or detention, officers may issue an appropriate traffic citation or warning to drivers who have proper and valid identification indicating immunity.
- Diplomats are not required to sign the citation and cannot be arrested for refusal to sign or accept the citation.
- Failure of the diplomat to appear in court to answer the citation may cause action by the Department of Motor Vehicles in relation to the diplomat's driving privileges within this state.

Citations and Accident Reports

Officers should immediately notify their supervisor when;

- A citation is issued to the driver of a vehicle (or the accident involves a vehicle) with U.S. Department of State diplomatic license plates;
- A citation is issued to (or an accident involves) the bearer of a U.S. Department of State diplomatic driver's license; or
- A citation is issued to (or an accident involves) a driver whose identity has been confirmed by the U.S. Department of State as a member of a foreign mission entitled to immunity.

Driving While Intoxicated Violations

When an officer stops an individual for driving while intoxicated and that individual is entitled to diplomatic immunity;

- Officers should not allow persons believed to be driving while intoxicated or under the influence to operate vehicles under any circumstances. The officer’s primary concern is the safety of the community and of the intoxicated individual.
- Officers will provide appropriate assistance to the driver.
- An officer may issue a traffic citation to the person for DUI and any other related traffic charges but no physical arrest can be made.
- If the diplomat refuses assistance or claims the officer’s actions would restrict the effective exercise of his function as a diplomat, the officer will:
 - inform the diplomat that he is free to go, but the vehicle may not be moved, and
 - the embassy or legation concerned will be contacted immediately for advice or assistance in obtaining a driver and removing the vehicle.
- Drivers entitled to diplomatic immunity should not be restrained except when necessary to prevent injury to themselves or others.
- Sobriety tests should be offered, but diplomats cannot be compelled to submit to tests.
- Force must not be used except when necessary to prevent injury to the diplomat or others and then only the absolute minimum should be applied.

Towing

When it becomes necessary to tow a vehicle bearing diplomatic registration officers will comply with normal departmental procedures except that a diplomat’s vehicle cannot be searched.

DEPARTMENT OF STATE CONTACT INFORMATION

ALL FOREIGN MISSIONS AND THEIR PERSONNEL (Other than United Nations or TECRO/TECO)	
During Business Hours (Monday-Friday, 9am-5pm EST)	
Verify immunity status	202-647-1985 202-647-1727
Diplomatic motor vehicle registration and driver’s licensing inquiries	202-895-3521 ofmdmvinfo@state.gov
Report traffic incidents/accidents/citations	202-895-3521 ofmdmvenforcement@state.gov
All citations and reports <i>Traffic</i> Office of Foreign Missions	202-895-3646 (fax) ofmdmvenforcement@state.gov
<i>Criminal/misdemeanor (non-traffic)</i> Office of the Chief of Protocol DSS-Protective Liaison	202-647-1198 (fax) 202-895-3613 (fax)
After Hours	
Diplomatic Security Command Center	571-345-3146 866-217-2089

TECRO/TECO AND THEIR PERSONNEL	
During Business Hours (Monday-Friday, 9am-5pm EST)	
Verify immunity status and law enforcement inquiries	703-525-8474
Diplomatic motor vehicle registration and driver's licensing inquiries	202-895-3521 ofmdmvinfo@state.gov
After Hours	
Diplomatic Security Command Center	571-415-3146 866-217-2089

PER ORDER OF



RONNELL A. HIGGINS
DIRECTOR OF PUBLIC SAFETY AND CHIEF OF POLICE

THIS GENERAL ORDER SUPERSEDES SOP 641- DIPLOMATIC IMMUNITY ISSUED ON 12 MAY 2005.

Consular Identification Cards



This person has been duly recognized by the Department of State and under international law shall receive appropriate jurisdiction with respect to acts performed in the exercise of consular functions. This form of card only must be carried before and presented to the appropriate judicial authorities. The bearer shall not be liable to arrest or detention pending trial except in a criminal offense.

The bearer shall be treated with due respect and a notice of violation may be issued.

U.S. DEPARTMENT OF STATE
OFFICE OF THE CHIEF OF PROTOCOL
24-25 2nd Floor
WASHINGTON, DC 20520-1500
Return postage guaranteed

1000001239 H20000706

Red bordered cards are issued to career consular officers. This card signifies that the bearer is entitled to immunity for official acts only.



This person is recognized with the Department of State and under international law shall not be amenable to jurisdiction with respect to acts performed in the exercise of consular functions. This form of card only must be carried before and presented to the appropriate judicial authorities. The bearer shall not be liable to arrest or detention.

U.S. DEPARTMENT OF STATE
OFFICE OF THE CHIEF OF PROTOCOL
24-25 2nd Floor
WASHINGTON, DC 20520-1500
Return postage guaranteed

1000001239 H08071016

Red bordered cards are issued to career consular employees. This card signifies that the bearer is entitled to immunity for official acts only.



In accordance with a special agreement, this person enjoys immunity from criminal jurisdiction. This person shall not be liable to any form of arrest or detention, pending trial or a notice of violation.

The bearer shall be treated with due respect and all appropriate steps shall be taken to prevent any arrest on the bearer's person, freedom, or rights.

U.S. DEPARTMENT OF STATE
OFFICE OF THE CHIEF OF PROTOCOL
24-25 2nd Floor
WASHINGTON, DC 20520-1500
Return postage guaranteed

1000001241 H08060407

Red bordered cards are issued to consular officers/employees and their families from countries with which the U.S. has special agreements. They are entitled to full criminal immunity and may not be arrested or detained.



This person has been duly recognized by the Department of State and under international law shall not be amenable to jurisdiction with respect to official acts performed in the exercise of consular functions. This form of immunity may be carried before and presented to the appropriate judicial authorities. The bearer shall receive the same treatment as the bearer of a card of a similar nature.

U.S. DEPARTMENT OF STATE
OFFICE OF THE CHIEF OF PROTOCOL
24-25 2nd Floor
WASHINGTON, DC 20520-1500
Return postage guaranteed

1000001245 H107040818

Red bordered cards are issued to honorary consular officers. This card signifies that the bearer is entitled to limited immunity for official acts only.

AMERICAN INSTITUTE IN TAIWAN IDENTIFICATION CARDS



Green bordered cards are issued to employees at the Taipei Economic and Cultural Representative Office (TECRO). The bearer is entitled to full criminal immunity and may not be arrested or detained.

Green bordered cards are issued to the family members of TECRO-designated employees. The bearer is entitled to full criminal immunity and may not be arrested or detained.

Red bordered cards are issued to the head and deputy head of the Taipei Economic and Cultural Offices (TECO). The bearer is entitled to immunity for official acts only but may not be arrested or detained pending trial except on a warrant for a felony offense punishable by of least one year in jail.

Red bordered cards are issued to the employees other than the head or deputy head of a TECO office. The bearer is entitled to immunity for official acts only.

Red bordered cards are issued to the family members of an individual registered with AT. The bearer is not entitled to immunity but should be treated with due respect.

US DEPARTMENT OF STATE DRIVER'S LICENSE

UNITED STATES DEPARTMENT OF STATE

DRIVER'S LICENSE

LIC# 4009-1762-02 Issue: 05/22/2002
DOB: 01/01/2002 Expires: 05/31/2007
Sex: F Height: 5'00" Class: C Note: X

DIPLOMAT,
ANANDA
1907 INTERNATIONAL PL. NW
WASHINGTON, DC 20006

Ananda Diplomat SFM



Restrictions:
X - Corrective Lenses

Any incidents, citations or inquiries involving the licensee should be directed to (202) 895-3521 between 8 a.m. - 5 p.m. EST. All other times call (571) 345-3146 or toll free (800) 217-3689. Fax all citations or reports to (202) 895-3666.

000005894 3760870025 004 401

UNITED STATES DEPARTMENT OF STATE

DRIVER'S LICENSE
UNDER 21

LIC# 4009-1762-02 Issue: 05/22/2002
DOB: 01/01/2002 Expires: 05/31/2007
Sex: F Height: 5'00" Class: C Note: X

DIPLOMAT,
ANANDA
1907 INTERNATIONAL PL. NW
WASHINGTON, DC 20006

Ananda Diplomat SFM



Restrictions:
X - Corrective Lenses

Any incidents, citations or inquiries involving the licensee should be directed to (202) 895-3521 between 8 a.m. - 5 p.m. EST. All other times call (571) 345-3146 or toll free (800) 217-3689. Fax all citations or reports to (202) 895-3666.

000005894 3760870025 004 401

UNITED STATES DEPARTMENT OF STATE

GRADUATED
DRIVER'S LICENSE
UNDER 21

LIC# 4009-1762-02 Issue: 05/22/2002
DOB: 01/01/2002 Expires: 05/31/2007
Sex: F Height: 5'00" Class: C Note: X

DIPLOMAT,
ANANDA
1907 INTERNATIONAL PL. NW
WASHINGTON, DC 20006

Ananda Diplomat SFM



Restrictions:
X - Corrective Lenses

Any incidents, citations or inquiries involving the licensee should be directed to (202) 895-3521 between 8 a.m. - 5 p.m. EST. All other times call (571) 345-3146 or toll free (800) 217-3689. Fax all citations or reports to (202) 895-3666.

000005894 3760870025 004 401

US DEPARTMENT OF STATE NON DRIVER'S ID



US DEPARTMENT OF STATE TAX EXEMPTION CARD

Diplomatic Tax Exemption Cards are designed with state-of-the-art security features that are intended to defeat any attempts to manufacture counterfeit versions of these cards. These features include, but are not limited to, the use of laser-engraved personalization of data, the inclusion of an optically variable device or Kinegram, and tactile micro-text (small raised text).

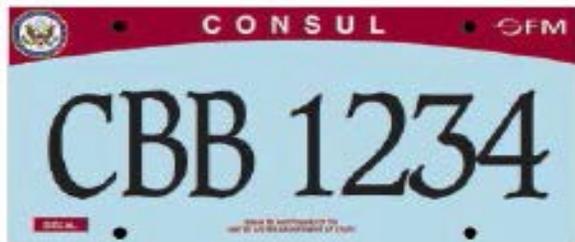
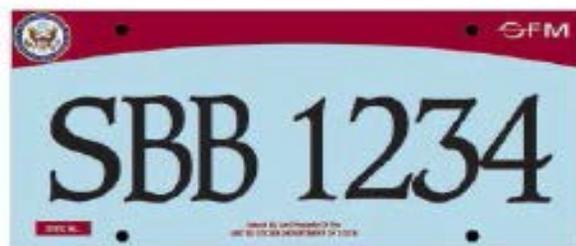
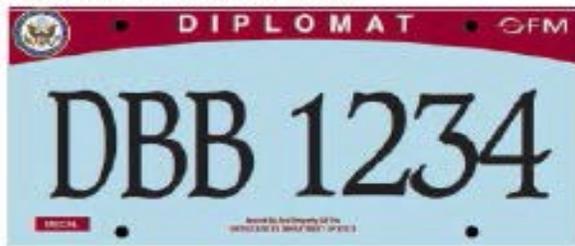


DIPLOMATIC PLATES

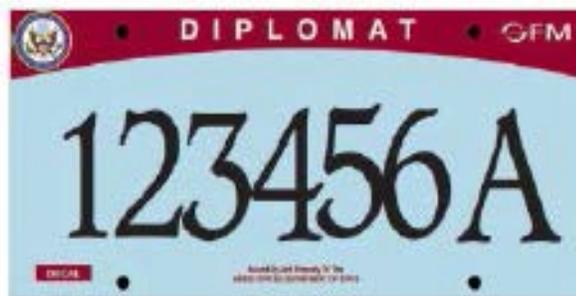
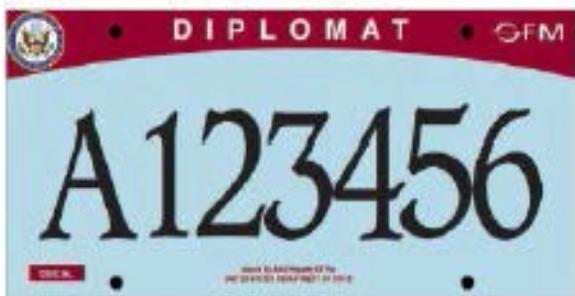
THE PLATES ARE CODED TO REFLECT THE DEGREE OF IMMUNITY THAT THE REGISTERED OWNER OF THE VEHICLE ENJOYS:

<p>PLATES WITH A "D" PREFIX OR SUFFIX are issued to diplomatic missions and those members who hold diplomatic rank.</p>	<p>PLATES WITH AN "S" PREFIX are issued to the administrative and technical staff at diplomatic missions and consular employees at consular missions.</p>	<p>Nations and the Organization of American States and the personally owned vehicles of those staff members who have diplomatic status.</p>
<p>PLATES WITH A "C" PREFIX are issued to consular missions and career consular officers.</p>	<p>PLATES WITH AN "A" PREFIX OR SUFFIX are issued to official vehicles of the Secretariats of the United</p>	<p>PLATES WITH AN "E" PREFIX are issued to other foreign missions that are not included in the above categories and their eligible employees.</p>

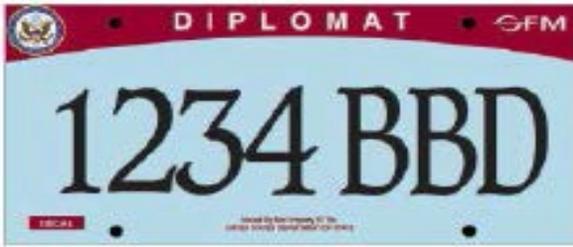
Diplomatic and Consular Missions



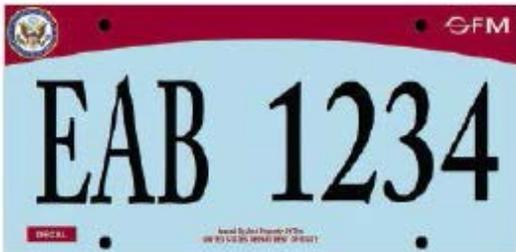
Secretariats to International Organizations



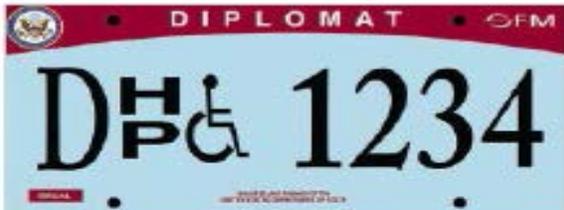
United Nations



Other Foreign Missions



Handicapped



Trailer



Temporary

