



# DEPARTMENT NOTICE

23-189

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## Diplomatic Immunity and Consular Notifications During APEC

The purpose of this Department Notice is to provide specific instructions for dealing with individuals who might have diplomatic immunity and for consular notification and access as members may interact with an increased number of foreign nationals during the Asia-Pacific Economic Cooperation (APEC). This process will remain in place from Friday, November 10, 2023, to Sunday, November 19, 2023, for the duration of the event.

Regardless of diplomatic immunity or entitlement to consular notification, the Department's primary goal is to ensure the safety of officers and the public. Therefore, members should take necessary steps to safely secure a situation prior to making any notifications.

A **foreign national** is any person that is not a U.S. citizen including, but not limited to, lawful permanent residents, and visitors with any type of visa (e.g., students, tourists, etc.).

### DETENTION/ARREST OF INDIVIDUALS ASSERTING DIPLOMATIC IMMUNITY

During the investigation of crimes, members may come across a suspect that is a foreign national who might have or assert diplomatic immunity (e.g., a U.S. Department of State ID card, diplomatic license plate, verbal claim of immunity, or a position in a head of state entourage, etc.). If necessary, detention in these situations shall be made with the minimum amount of physical restraint necessary to ensure officer and public safety.

During APEC:

- Members shall contact the Special Investigations Division (SID), via DOC, as soon as possible when there is a reasonable belief that a suspect may have immunity. An on-call member of SID will assist in contacting the Diplomatic Security Service Command Center (U.S. State Department) for confirmation of immunity and provide members with next steps.
- In the unlikely event that members are unable to timely contact SID, members shall call the Diplomatic Security Service Command Center at [REDACTED] for confirmation of immunity and next steps.

Even in cases where the State Department confirms immunity, citations may be issued. Suspects with immunity are not obligated to sign the citation. DGO 5.13, Diplomatic Immunity, has additional information on traffic citations and DUI investigations.

U.S. State Department manual: [Diplomatic and Consular Immunity \(state.gov\)](https://www.state.gov/diplomatic-immunity)

A short video on diplomatic immunity: [Diplomats and the Law: Dispelling the Myths - YouTube](https://www.youtube.com/watch?v=...)

## CONSULAR NOTIFICATION AND ACCESS FOR ALL FOREIGN NATIONALS

International and federal law, and California Penal Code [section 834c](#) requires members to provide certain information and make necessary notification upon the arrest and booking, or detention for more than two hours, of a known or suspected foreign national. Short detentions, such as those for a citation, traffic ticket, or accident investigation, do not require consular notification.

Members will be provided Consular Notification and Access cards that include the necessary steps and a list of countries requiring mandatory notification. A copy is attached to this Department Notice.

- When a known or suspected foreign national is arrested and booked, or detained for more than two hours, members shall identify whether their country requires mandatory notification.
- Members shall follow the procedures for either mandatory or non-mandatory notification.

### Mandatory Notification Countries

1. If the foreign national's country requires mandatory notification, members shall contact SID, through DOC. SID will assist in facilitating notification to the embassy or consulate.
2. Members shall inform the foreign national: *"Because of your nationality, we are required to notify your country's consular officers here in the United States that you have been arrested or detained. We will do this as soon as possible. In addition, you may communicate with your consular officers. You are not required to accept their assistance, but your consular officers may be able to help you obtain legal representation and may contact your family and visit you in detention among other things."*

### Non-Mandatory Notification Countries

1. If the foreign national's country does not require mandatory notification, members shall inform the foreign national: *"As a non-U.S. citizen who is being arrested or detained, you may request that we notify your country's consular officers here in the United States of your situation. You may also communicate with your consular officers. A consular officer may be able to help you obtain legal representation and may contact your family and visit you in detention, among other things. If you want us to notify your consular officers, you can request this notification now, or at any time in the future. Do you want us to notify your consular officers at this time?"*
2. If the foreign national requests consular notification, members shall contact SID through DOC. SID will assist in facilitating notification to the embassy or consulate.
3. If the foreign national declines consular notification, members shall proceed with the arrest and booking.

Embassies or consulates are also notified, by SID, when foreign nationals sustain serious injuries as victims of crime.

U.S. State Department manual: [Consular Notification and Access \(state.gov\)](#)

U.S. State Department Consular Notification and Access: [website](#)

## INCIDENT REPORTS

Proper documentation of an incident can assist both SID and the U.S. State Department with a follow-up investigation. Members shall forward all incident reports and traffic citations where a suspect is informed of their right to consular notification and access, where a suspect claims diplomatic immunity, or where a foreign national sustains serious injuries as a victim of a crime to SID by faxing the report/citation to [REDACTED]

Members shall comply with DGO 5.15 – Enforcement Of Immigration Laws.

  
WILLIAM SCOTT  
Chief of Police

*Per DN 23-152, all sworn & non-sworn members shall electronically acknowledge this department document in PowerDMS within (30) thirty calendar days of issuance. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be sent to [sfpd.writtendirectives@sfgov.org](mailto:sfpd.writtendirectives@sfgov.org), who will provide additional information.*