
Foreign Diplomats, Consular Representatives and Legislators

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the St. Mary's County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The St. Mary's County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 1. Diplomatic-level staff of missions to international organizations and recognized family members
 2. Diplomatic agents and recognized family members
 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 2. Support staff of missions to international organizations
 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 4. Honorary consular officers

[Saint Mary's County Sheriff's Office LE Procedures Manual: FOREIGN NATIONAL DETENTION/ARREST PROCEDURES](#)

[Saint Mary's County Sheriff's Office LE Procedures Manual: DIPLOMATIC IMMUNITY DUI PROCEDURES](#)

411.4.1 TRAFFIC VIOLATIONS

When a driver, believed to have diplomatic immunity, is stopped for a moving traffic violation and has proper and valid identification indicating immunity, the deputy sheriff may issue an appropriate traffic citation or warning. Issuance of a traffic citation does not constitute an arrest or detention.

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The deputy sheriff should give strong consideration to the issuance of a warning rather than a citation when coming in contact with a driver with diplomatic immunity.

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

411.6 DIPLOMATIC IMMUNITY

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability

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Consulate Employees	Yes (note (a))	Yes	Yes	No-for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
Diplomatic- Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

411.7 SHIPS OF WAR

Ships of war belonging to foreign nations are exempt from the local jurisdiction of the country whose ports they are permitted to visit, but merchant vessels and their crews are not exempt.

411.8 MILITARY

No person belonging to the military is to be arrested on any process except such as may be issued by military authority, while going to, remaining at, or returning from any place at which he/she may be required to attend for military duty.

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411.9 LEGISLATORS

- (a) United States Senators and Representatives are, in all cases, except treason, felony, and breach of the peace, privileged from civil process during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house, they will not be questioned in any other place.
- (b) This protection from civil process to members of Congress is given by the Constitution of the United States, and that of the members to the State Legislatures is generally secured to them by the constitutions of the various states or by common law.
- (c) While the Constitution of the State of Maryland makes no provision to exempt the State Legislators from arrest, common law prevails which privileges them from civil process while attending, going to, or returning from a session of their respective houses. The State Constitution does say that no Senator or Delegate will be liable in any criminal prosecution for words spoken in debate. However, neither United States Congressmen nor members of the Maryland State Legislature are privileged from arrest and prosecution for any criminal offense during their attendance at a session or in going to and returning from their respective houses. These offenses include any violations of the Transportation Article.