5-09/270.30 - Procedure for Handling Selected Incidents Involving Diplomatic and Consular Officers

Traffic Violations

Stopping a diplomat or consular officer for a traffic violation and issuing a traffic citation is permissible as it does not constitute an arrest or detention. When a consular officer is stopped for a traffic violation, they will generally advise the deputy of their privileged status. The deputy shall determine the adequacy of the driver's credentials. Generally, it shall be the policy of the Department not to issue a citation; however, in those instances in which the driving of the official is so extreme and so aggravated as to clearly endanger others, a field supervisor shall be summoned to the scene. With the concurrence of the sergeant, a citation may be issued.

If the consular officer chooses not to sign and/or refuses to accept the citation, they shall be permitted to depart from the scene. A memo detailing the incident and a copy of the unsigned citation shall be directed to the International Liaison Unit on the next business day following the incident. The citation will be processed by the station/unit as any other citation, whether it is signed or not.

Driving While Under the Influence

Sobriety tests may be offered in accordance with local procedures but may not be required or compelled. Refusal should be anticipated; however, in any event, all facts of the incident shall be documented in a field report alleging driving under the influence. All objective signs of intoxication shall be carefully included and the notation of the field release, if warranted, shall be noted in the body of the report. Although consular officials can only be arrested for felonies and only with a warrant, they may still be prosecuted for offenses other than official acts. The United States (US) Department of State will often take action against foreign service personnel whose conduct is inappropriate. Under no circumstances shall any intoxicated person be permitted to drive. The consular officer should be offered alternative transportation and shall not be handcuffed unless restraint is necessary for the protection of the official or others. The case shall be presented to the district attorney for evaluation and filing. A copy of the report shall be immediately directed to the International Liaison Unit so they may follow-up with the US Department of State.

Other Offenses Involving Family Members

With certain exceptions, as noted, family members of a consular officer cannot claim immunity; however, consideration should be given to the special nature of this type of case. Family members shall be accorded appropriate courtesy and respect. A violation should be handled, when possible, through the seeking of a complaint. The individual should be released once positive identification is made and the relationship with the consular officer is verified. If the relative is a juvenile, circumstances permitting, the subject is to be released to the parent consular officer.