



Minneapolis Police Department Policy and Procedure Manual

Number:
9-200

Volume Nine – Enforcement Policies

Adult Citations and Arrests

9-210 Diplomatic and Consular Immunity (05/29/02) (xx/xx/xx)

I. Policy

- A. Under international and federal law, diplomatic and consular officials are granted varying degrees of immunity and personal inviolability (e.g., freedom from arrest, detention, search etc.) depending on the position they hold. However, the privilege of personal inviolability must be balanced with the responsibility of the United States and its government bodies to protect the safety of the public.
1. Police authorities may intervene to the extent necessary to halt activity that poses imminent danger to the safety of the public or when it is apparent that a serious crime may otherwise be committed.

I. Procedures/Regulations

A. Diplomatic and Consular Immunity Guidelines

1. Diplomatic agents, family members recognized as part of their household, and members of their administrative and technical staff and their households enjoy full immunity from arrest, detention, criminal prosecution, and search of their person, property, or residence.
2. Members of their service staff have no privileges or immunities except for immunity from prosecution for acts related to performance of their official duties. Family members of the service staff have no privileges or immunity.
3. Family members of diplomatic agents who are also U.S. citizens have no privileges or immunities. Staff members or their families who are U.S. citizens or permanent residents of the U.S. have no privileges or immunities.
4. Consular officials, their families, and staff members have no privileges or immunity related to arrest, detention, or search and seizure. The only exception is that career consular officials enjoy immunity from arrest unless the arrest is pursuant to a felony warrant.
5. The only authoritative document that can reliably identify a diplomatic or consular official is the identity card issued by the Department of State, Protocol Office. Other documents such as foreign diplomatic passports, U.S. diplomatic visas, tax exemption cards, or vehicle registrations issued by the State Department do not conclusively indicate

the diplomatic status of a person. Members presented with this type of identification should assume that the person might have some degree of immunity and attempt to verify further the diplomatic status of the person.

6. The on-duty Watch Commander shall be notified of any incidents involving diplomats or consular officials.
7. Members shall fully document incidents involving diplomats or consular officials in a Police Report. The federal government, acting through the State Department, may be able to take corrective action against foreign diplomats who violate U.S. criminal law.

Glossary

Arrest: Taking a person into custody, which may be imposed by force or may result from a person submitting to a member. An arrest is a restraint of greater scope or duration than an investigative stop or detention. An arrest requires probable cause that a crime was committed or is being committed. This includes booking, citing in lieu of booking, and releasing pending charges.

Consular Official: Government representatives who assist and protect their country's citizens abroad and provide services like visas, passports, and emergency help.

Diplomatic Agent: An ambassador or other accredited diplomatic official authorized to represent a foreign government and engage.

Personal Inviolability: When a diplomat or consular official is protected from arrest, detention, and any form of physical interference, including handcuffing (unless they pose an immediate threat to safety), by local authorities. This protection extends to their residence, belongings, and their vehicles, preventing them from being searched or seized. (P&P 9-210)

Search: Sometimes called a "full search," a search is an inspection, examination or viewing of people, places, or items in which a person has a legitimate expectation of privacy, based on a warrant (P&P 9-301) or an exception to the warrant requirement (P&P 9-110). A search may be physical, visual, informational, or virtual.

- A **physical search** could include grasping, prying into or manipulating persons or objects (e.g., reaching into a purse or pocket, feeling inside of the trunk of a car; physical manipulation of a duffel bag, etc.).
- A **visual search** could include during a lawful traffic stop, a member observing the interior of a vehicle from the outside. If the member notices something in plain view, such as an open bottle of alcohol or a weapon, this constitutes a visual search.
- A canine sniff may constitute a search and as such be subject to the requirements in P&P 9-301 and P&P 9-110 (also see P&P 7-807 Authorized Use of Canines).
- Collecting someone's DNA from their person is a search.
- An **informational** or **virtual search** could include searching of certain types of paper or electronic records for information.