



POLICE DEPARTMENT

**DIPLOMATIC
IMMUNITY**

**OPERATIONAL
PROCEDURE #413**

Responsible Executive:
Chief of Police
Responsible Office:
Vice President for Public Safety
Approved by:
Dr. Branville G. Bard Jr.
Issued: 07/25/2024
Revised: N/A

Table of Contents

POLICY STATEMENT 1

WHO IS GOVERNED BY THIS POLICY..... 2

PURPOSE 2

DEFINITIONS 2

PROCEDURES 3

POLICY ENFORCEMENT 8

RELATED RESOURCES 9

CONTACTS 9

APPENDIX A..... 10

APPENDIX B 11

Policy Statement

Diplomatic immunity is a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and authorities for both their official and largely personal activities. Diplomatic immunity is not intended as a license for persons to ignore the law and purposely avoid accountability for their actions. The purpose of these privileges and immunities is not to benefit individuals but rather to ensure the efficient and effective performance of their official missions on behalf of their governments.

Because Johns Hopkins is an institution with an international scope, various types of foreign government officials may spend time as part of or with the Johns Hopkins community. It shall be the policy of the Johns Hopkins Police Department (JHPD) to understand and respect the rights of those persons afforded varying degrees of immunity by government agencies.

Whatever the suspected offense or circumstances surrounding contact with a person with diplomatic immunity, JHPD members 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. Police handling of incidents in this country may have a direct effect on the treatment of U.S. diplomatic or consular personnel abroad.

Who Is Governed by This Policy

All personnel, including sworn, nonsworn, and contractual or voluntary persons in service with the JHPD, are governed by this Directive.

Purpose

The purpose of this Directive is to provide guidance to members who encounter persons who possess or claim diplomatic immunity. When feasible, JHPD members will be notified when persons possessing diplomatic immunity are or will be on campus.

Definitions

Career Consular Officer:	Career consular officers are those members of consular posts who are recognized by both the sending and the host countries as fully authorized to perform the broad array of formal consular functions. They have only official acts or functional immunity in respect of both criminal and civil matters, and their personal inviolability is quite limited.
Diplomatic Agent:	The term for ambassadors and the other diplomatic officers who generally have the function of dealing directly with host country officials. This category enjoys the highest degree of immunity.
Diplomatic Missions:	Diplomatic missions are traditionally the principal communication link between the country that sends them and the host country. Accordingly, the staffs of diplomatic missions (embassies) are afforded the highest level of privileges and immunities in the host country so that they may effectively perform their important duties.
Functional Immunity:	Functional immunity arises from customary international law and treaty law and confers immunities on those performing acts of state (usually a foreign official).
Inviolability:	A concept embodied in international law that generally precludes law enforcement officials from handcuffing, arresting, or detaining certain foreign diplomatic and consular officials in any form and forbids U.S. authorities from entering the residences, automobiles, or other property of protected persons. Where public safety is in imminent danger or it is apparent that a felony or crime of violence may otherwise be committed, police authorities may intervene to the extent necessary to halt such activity or defend themselves or others from personal harm.
Member:	All members of the JHPD, including employees, officers, and volunteers, unless the term is otherwise qualified (e.g., member of the public, member of the Baltimore Police Department, etc.).

Members of the Administrative and Technical Staff:	Members of diplomatic missions, including those who support the activities of diplomatic agents. This category includes secretaries, certain clerical personnel, office managers, and certain professional security personnel. These persons enjoy privileges and immunities that in some respects are less than diplomatic agents.
Members of the Service Staff:	Members of diplomatic missions who perform tasks such as driving, cleaning, or grounds maintenance. These persons are afforded significantly less in the way of privileges and immunities.
Officer:	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.

Procedures

I. General

- A. Law enforcement officers may intervene to any extent necessary with persons of any level of immunity in circumstances where the safety of members of the public is in imminent danger or it is apparent that a serious crime may otherwise be committed. This includes the authority for officers to defend themselves and others from personal harm.
- B. A reference chart containing guidance for JHPD officers encountering individuals with varying levels of diplomatic or consular privilege can be found in Appendix A.
- C. JHPD officers shall call a supervisor to assist if they identify that they are, or likely are, interacting with a person who does have, or likely has, some level of diplomatic immunity.
- D. Full diplomatic immunity means that those persons and their residences, vehicles, belongings, and papers cannot be searched. They cannot be arrested or detained and are not required to give evidence as witnesses. Those persons with full diplomatic immunity are:
 - Diplomatic agents,
 - Administrative and technical mission staff,
 - Spouses of the persons in the above bullet points, and
 - Dependent children of the persons in the above bullet points, until the age of 21 or 23 if full-time students.
 - If a person suspected of a crime enjoys personal inviolability, they shall not be handcuffed by JHPD members, **except when that person poses an immediate threat to safety**. Once all pertinent information is obtained, that person must be released by the officer.
 - Vehicles bearing diplomatic registration plates or owned by persons with full diplomatic immunity cannot be searched by officers unless

the vehicles are verified to have been stolen or to have been used by unauthorized persons in the commission of crimes.

- E.** Limited criminal immunity prevents convictions if judges find that criminal acts occurred in the course of official duties (i.e., functional immunity). Persons with limited criminal immunity enjoy limited or no personal inviolability for private acts performed outside their official duties, meaning they **may** be detained or arrested, their persons and belongings may be searched by officers, and they may be required to give evidence as witnesses. Those persons with limited criminal immunity are:
- Service staff such as chauffeurs, drivers, mission servants, and domestic mission employees, and
 - Career consular officers. These persons can only be detained or arrested by officers in the case of a felony and pursuant to a warrant.
- F.** Persons who have no criminal or diplomatic immunity include:
- Families of service staff,
 - Families of consular officers,
 - Consular service staff or their families,
 - Citizens of the United States who are employed by a consulate, and
 - Private servants of any noncitizen.
- G.** Diplomatic pouches:
- Are containers of any size used to transport official communications or equipment needed for communication,
 - Are required to be clearly marked as such, and
 - Will not be opened by JHPD officers in any circumstance. A JHPD officer who has probable cause to believe that a diplomatic or consular pouch is being used in furtherance of a crime will promptly report this to a supervisor, who will report the information to the U.S. State Department Bureau of Diplomatic Security.
- H.** Members shall document all contacts and incidents involving claims of any level of immunity, whether bona fide or not, in appropriate reports. A copy of the Incident Report must be faxed or emailed as soon as possible to the U.S. Department of State or to the U.S. Mission to the United Nations (UN) in cases involving the UN community. The Records Management supervisor is responsible for ensuring related reports are forwarded to the appropriate federal agency.

II. Identification

- A. The burden of proof falls upon those claiming any level of diplomatic immunity to display valid diplomatic credentials.
- B. In all cases, including those in which the suspect provides an identification card issued by the U.S. Department of State, the officer should verify the suspect's status by contacting the U.S. Department of State or the U.S. Mission to the UN (if applicable). Once the status is verified, the officer shall prepare their report, fully describing the details and circumstances of the incident in accordance with normal procedures.
- C. Only an identification card issued by the U.S. Department of State, Office of Protocol, or by the U.S. Mission to the UN may be used as valid identification for diplomats and consular officials.
- On the back of these identification cards is an explanation of the immunity to which the official is entitled and telephone numbers to call to verify status.
- D. Foreign diplomatic passports, U.S. diplomatic visas, tax exemption cards, vehicle registration, license plates, and driver's licenses (including those issued by the U.S. Department of State) shall not be used by officers to determine whether an individual enjoys immunity.
- E. License plates issued by the U.S. Department of State are coded to reflect the degree of immunity that the registered owner of the vehicle enjoys:
- Plates with a "D" prefix or suffix are issued to diplomatic missions and those members who hold diplomatic rank.
 - Plates with a "C" prefix are issued to consular missions and career consular officers.
 - Plates with an "S" prefix are issued to the administrative and technical staff at diplomatic missions and consular employees at consular missions.
 - Plates with an "A" prefix or suffix are issued to official vehicles of the Secretariates of the UN and the Organization of American States and the personally owned vehicles of those staff members who have diplomatic status.
 - Plates with an "E" prefix are issued to other foreign missions that are not included in the above categories and their eligible employees.
 - U.S. Department of State-issued license plates are meant to help officers identify vehicles belonging to persons who may enjoy some degree of immunity. However, in no circumstance should the license plate alone be used to verify the status of a person claiming immunity.

- Such license plates are not the property of a diplomat or a diplomatic mission and always remain the property of the U.S. Department of State. 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.
- F. If attempting to detain a person who claims diplomatic immunity but is unable to produce valid identification, the officer shall detain the person, inform them of the reason for the detention and that they will be held in custody for the time it requires to confirm their identity and status, and hold them until the U.S. Department of State can confirm the proper identity.
- G. Once their identity and diplomatic status are confirmed, officers shall immediately release them from custody.

III. Responding Member Duties

Duties and responsibilities of officers responding to calls involving persons with diplomatic immunity include but are not limited to:

- A. Identifying and verifying through the U.S. Department of State the categories of immunity for which the persons are entitled,
- B. Doing so by contacting the Department of State Diplomatic Security Command Center at 571-345-3146 or 866-217-2089 or another current number and informing the center of the circumstances (see Appendices A and B),
- C. Respecting the person's immunity to the degree they are entitled,
- D. Following instructions given by the U.S. Department of State representative regarding any further detention, arrest, or release. It may be that the JHPD officer is required to release the person, even if they have committed a crime,
- E. Ensuring supervisors are notified of all incidents involving persons who claim or have diplomatic immunity, and
- F. Completing JHPD reports on all incidents involving persons who claim or have diplomatic immunity. JHPD officers will record all pertinent information from the ID card and details and circumstances of the incident in the Incident Report.

IV. Supervisor Duties

Duties and responsibilities of JHPD supervisors who become aware of calls involving persons with diplomatic immunity include but are not limited to:

- A. Responding to incident locations,

- B. Ensuring related reports are completed,
- C. Ensuring a JHPD commander is notified of all incidents, except for parking citations and traffic stops for minor violations involving persons with immunity, and
- D. Ensuring the U.S. Department of State is contacted for incidents involving persons with diplomatic immunity and informed of the circumstances. The Department of State Diplomatic Security Command Center can be contacted at 571-345-3146 or 866-217-2089 or another current number (see Appendices A and B).

V. **Diplomat Traffic & Parking Offenses** (Commission on Accreditation for Law Enforcement Agencies (CALEA) 61.1.3.d)

- A. JHPD officers may issue traffic citations or warnings to drivers who have diplomatic immunity. Issuing citations does not constitute arrest or detention of diplomats.
- B. Diplomats do not have to sign citations and cannot be arrested for refusal to sign citations.
 - When diplomats refuse to sign citations, officers will write “Diplomat—Refused to Sign” on the defendant’s signature line and give the defendant’s copy to the diplomat.
- C. If diplomats refuse to accept their copies, officers will submit those copies with all other regularly submitted copies to their supervisor. The Records Management supervisor shall ensure these copies are mailed to the State Department’s Diplomatic Motor Vehicle Office.
- D. Members issuing citations to persons with immunity will promptly email copies of the citations to the Office of Foreign Missions at OFMImmunity@state.gov, along with related documents.
- E. Persons with diplomatic immunity who are suspected of driving violations related to alcohol or controlled dangerous substance use will not be arrested and cannot be compelled to take any sobriety or otherwise mandatory tests.
 - Officers may offer these persons standard roadside sobriety tests, including preliminary breath tests.
 - Officers shall:
 - Not allow persons with immunity to continue driving. This is imposed to protect the safety of the diplomat and the public,
 - Ensure the related vehicles are in safe locations, and
 - Make arrangements for the diplomat’s removal from the location by requesting taxi services, transporting the person to

their residence, allowing the person to contact a friend or relative to respond and drive them, contacting the diplomat’s embassies or consulate for assistance, or contacting the Department of State’s Diplomatic Security Command Center for assistance.

- DR-15 procedures do not apply.
 - Officers may issue a traffic citation to the person for driving while under the influence or driving while impaired and any other related traffic charges, but no physical arrest can be made.
- F.** Persons driving who are entitled to diplomatic immunity should not be restrained except when necessary to prevent injury to themselves or others. Force shall not be used except when necessary to prevent injury to the person or others, and then only the absolute minimum shall be applied.
- G.** Parking citations may be issued to vehicles displaying diplomatic license plates.
- H.** Vehicles bearing diplomatic tags will not be impounded or “booted” but may be towed a distance necessary to prevent them from obstructing traffic or endangering public safety.
- I.** If diplomats’ vehicles are suspected of being stolen or used in the commission of crimes, occupants may be required to present vehicle documentation to permit police verification of vehicle status through computer checks.
- Vehicles verified to have been stolen or to have been used by unauthorized persons in the commission of crimes may be searched.

VI. Consular Notification

- A.** Members and supervisors shall follow the procedures as outlined in JHPD Directive #414, Noncitizen Interactions, when:
- A noncitizen is arrested or detained, and
 - A noncitizen dies, is seriously injured, or becomes seriously ill.

Policy Enforcement

Enforcement	JHPD managers and supervisors are responsible for enforcing this Directive.
Reporting Violations	Suspected violations of this Directive should be reported to the Public Safety Accountability Unit.

Related Resources

University Policies and Documents
Operational Procedure #414, Noncitizen Interactions Operational Procedure #423, Arrest Warrants, Attachments & Criminal Process Operational Procedure #424, Arrests & Alternatives to Arrest Operational Procedure #442, Traffic Control & Enforcement Operational Procedure #447, Parking Enforcement
External Documentation
United States Department of State, Consular Notification and Access Manual 5th Edition , and other resources available at: https://travel.state.gov/content/travel/en/consularnotification.html
Police Department Forms and Systems

Contacts

Subject Matter	Office Name	Telephone Number	Email/Web Address
Policy Clarification and Interpretation	Policy Management	(667)306-8618	jhpdpolicyinquiry@jh.edu

Appendix A

Law Enforcement Aspects Summary



DIPLOMATIC AND CONSULAR PRIVILEGES AND IMMUNITIES FROM CRIMINAL JURISDICTION LAW ENFORCEMENT ASPECTS SUMMARY

Category	Arrested or Detained?	Enter Residence Subject to Ordinary Procedures?	Issued Traffic Citation?	Subpoenaed as Witness?	Prosecuted?	Recognized Family Member?	
International Organizations	International Organization Staff ¹	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Diplomatic-Level Staff of Missions to International Organizations	No ¹	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Support Staff of Missions to International Organizations	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
Diplomatic	Diplomatic Agent	No ¹	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Member of Administrative and Technical Staff	No ¹	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Service Staff ²	Yes	Yes	Yes	Yes	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
Consular	Career Consular Officers ³	No, except in the case of a felony and pursuant to a warrant.	Yes ⁴	Yes	No—for official acts. Testimony may not be compelled in any case.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Honorary Consular Officers	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Consular Employees ³	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
TECRO/TECO	TECRO Designated Employee	No	No	Yes	No	No	Immunity from criminal jurisdiction, arrest, and detention.
	TECO Head/Deputy Head	No, except in the case of a felony and pursuant to a warrant.	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult AIT.	No immunity or inviolability.
	TECO Designated Employee	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult AIT.	No immunity or inviolability.

¹ Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts.

² This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

³ A small number of senior officers are entitled to be treated identically to “diplomatic agents.”

⁴ Note that consular residences are sometimes located within the official consular premises. In such cases, **only** the official office space is protected from police entry.

Diplomatic Security Command Center

Direct questions or inquiries to the Diplomatic Security Command Center.

Call: 571-345-3146

Toll free: 1-866-217-2089

Available 24 hours daily

Consular Notification

Assistance with consular notification procedures following the arrest or detention of a foreign national.

Business hours: 202-485-7703

After-hours: 202-647-1512

Email: consnot@state.gov

Immunity Issues

Contact the Office of Foreign Missions:

Business hours: 202-895-3521

After-hours: 571-345-3146

Toll-free: 1-866-217-2089

Send all citations/reports to OFMDMVENforcement@state.gov or via fax to 202-895-3646.

Appendix B

USEFUL TELEPHONE NUMBERS

ALL FOREIGN MISSIONS AND THEIR PERSONNEL (Other than United Nations or TECRO/TECO)	
During Business Hours (Monday-Friday, 8am-5pm EST)	
To verify immunity, call the Office of Foreign Missions (OFM):	202-895-3521
Send Reports/Citations to OFM:	OFMDMVENforcement@state.gov 202-895-3646 (Fax)
For 24/7 Hour Response, Call Diplomatic Security Command Center	(571)-345-3146 (866)-217-2089

MISSIONS AND SECRETARIAT TO THE UNITED NATIONS AND THEIR PERSONNEL	
During Business Hours (Monday-Friday, 9am-5pm EST)	
To verify immunity and for law enforcement inquiries:	212-415-4168 212-415-4407 212-415-4300
Diplomatic motor vehicle registration and driver's licensing inquiries:	202-895-3521 OFMDMVInfo@State.gov
After Hours	
USUN-Communications Section	212-415-4444

TECRO/TECO AND THEIR PERSONNEL	
During Business Hours (Monday-Friday, 9am-5pm EST)	
To verify immunity and for law enforcement inquiries:	703-525-8474
Diplomatic motor vehicle registration and driver's licensing inquiries:	202-895-3521 OFMDMVInfo@state.gov