

BATON ROUGE POLICE DEPARTMENT

General Order
No.201

Effective Date
11-01-1994

Revised Date
08-01-2001

Subject: Arrest and Detention of Foreign Nationals

Reviewed 9/1/16

POLICY

It is the policy of this department to conform to federal laws and international treaties when detaining foreign nationals. This policy will also govern the detaining of suspected illegal aliens.

PROCEDURES

I. Properly Documented Foreign National

- A. When a suspect informs the arresting officer he is a foreign national and provides proof he is in the country legally, it is the officer's responsibility to determine the following:
 - 1. Which country the arrestee is from.
 - 2. Whether or not the arrestee has a valid passport. A valid passport shall, for the purposes of this order, constitute proof of being in the country legally.
- B. The arrestee has the right to have his country's consulate notified, and it is the arresting officer's responsibility to make the notification or see that it is made. Inquiries regarding issues in this policy or for updated lists of countries requiring notification of detention of their foreign nationals may be addressed to:

Assistant Legal Advisor for Consular Affairs

**United States Department of State
Washington, D.C. 20520
Telephone (202) 647-4415
FAX (202) 736-7559**

Telephone inquiries after normal business hours may be directed to:

**Command Center of the Bureau of Diplomatic Security
Telephone (202) 647-7277**

- C. Due to international treaties, several countries **require** their consulate be notified if one of their countrymen is arrested or detained.
- D. A foreign consular official has the right to visit their arrested/detained countryman unless the arrestee objects.
- E. Once these procedures have been complied with, the suspect will be booked according to normal procedures, unless he is entitled to diplomatic immunity.
- F. While it is still discretionary to issue a summons in misdemeanor cases to a foreign national, officers should exercise caution because the suspect may leave the country prior to the court appearance date.

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II. Detention of Suspected Illegal Aliens

- A. If an arrestee is suspected of being an illegal alien, the arresting officer will notify the Border Patrol. The agent notified will make the determination as to whether or not a **HOLD** will be placed on the arrestee. If so, this fact will be noted on the Arrestee Information Form in the following manner:

Hold For Border Patrol - Agent John Doe

- B. When an officer detains a suspected illegal alien or a foreign national without a passport or proper documents to verify he is in the country legally, and has **no other criminal charges**, he will notify Border Patrol. It should be noted agents might have to be paged and respond; therefore, expect a delay in response particularly after normal working hours.
- C. The agent responding will then direct the investigation. It is the reporting officer's responsibility to document the agent's name and his instructions. Officers will comply with every reasonable request made by Border Patrol agents to further the investigation.