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|  | Operational General Order | 6.02 Immunity From Arrest | PAGE 1 OF 2 |
| | SUBJECT | | EFFECTIVE DATE |
| | Virginia Beach Police Department General Order Chapter 6 – Constitutional Issues | | 07/17/2018 |
| | | | ORIGINATOR/REVIEW Professional Development & Training |
| DISTRIBUTION | CALEA: 1.1.4, 74.3.1 | | |
| ALL | | | |
| BY THE AUTHORITY OF THE CHIEF OF POLICE: | | <i>James A. Coonan</i> | |

Purpose

To establish guidelines for sworn members having contact with individuals who enjoy immunity from arrest.

Policy

It is the policy of the Virginia Beach Police Department to respect the immunity from arrest of certain individuals who may reside in or visit the City of Virginia Beach.

Immunity from Arrest (CALEA 1.1.4)

Except for criminal offenses, either felonies or misdemeanors, members of the Virginia General Assembly, their clerks and assistants, the Lieutenant Governor or the sergeant-at-arms of the Senate or the House are temporarily privileged from being taken into custody or imprisoned under any process, including traffic infractions as described in General Order 12.01 (Traffic Law Enforcement) during the session of the General Assembly and five days before and after the session.

Except for treason, felony or breach of the peace, members of the Congress of the United States are privileged from arrest, during session and in traveling to and from session. For the purpose of this section, a breach of the peace includes all criminal misdemeanors. This immunity does not apply to traffic charges.

Witnesses entering the Commonwealth of Virginia, or traveling through Virginia en route to another state, in response to a summons directing them to give testimony in a criminal proceeding are immune from arrest in connection with matters that arose before their entrance into Virginia under the summons. They are subject to arrest for any violations committed after entry into Virginia.

The service of warrants is prohibited inside any courtroom while court is in session without the consent of the presiding judge.

Diplomatic officers, their family members, members of their official staff, and their servants enjoy various levels of immunity from arrest, detention or prosecution. Diplomats of all levels are subject to the following actions:

- Diplomats or consular officers may be detained for a reasonable amount of time in order to verify diplomatic status.
- Criminal offenses involving diplomats must be developed and documented precisely and in detail. Although a physical arrest cannot be made, the Department of State may seek approval for prosecution or termination of immunity for unusual cases that assure successful prosecution.

- Officers may exercise the option to obtain a warrant of arrest. Although it cannot be served, it can be entered into the records of the U.S. immigration authorities, and thus serve to bar the subsequent issuance of a U.S. visa permitting such person to re-enter the United States.
- Police authorities may intervene, to the extent necessary, to halt such activity in those circumstances where public safety is in imminent danger, or a serious crime may otherwise be committed.

In addition to personal immunity, the private residence of a diplomat or selected employees is inviolable. To verify a person's immunity status, or if you should have questions concerning what actions are appropriate to take, please contact:

Immunity Verification

- Office of Protocol; Diplomatic Affairs
- (202) 647-1727 – DURING BUSINESS HOURS

Diplomatic Licensing, Motor Vehicle Registration Inquiries, or to Report Traffic Incidents/Accidents/Citations

- (202) 895-3521 – DURING BUSINESS HOURS

Consular Notification Following the Arrest or Detention of a Foreign National

- (202) 485-7703 – DURING BUSINESS HOURS
- (202) 647-1512 – AFTER-HOURS

All After-hours Inquiries or General Questions Regarding Appropriate Actions

- Diplomatic Security Command Center
- (571) 345-3146 – 24-HOURS
- (866) 217-2089 – TOLL FREE

The U.S. Department of State is interested in all incidents involving a diplomat or consular officer in any role. The Bureau of Diplomatic Security is notified via NLETS of any incident involving resident foreign officials or diplomats, their families, or their properties. Within 24 hours of such an incident, the officer handling the matter should provide a message to the NCIC/VCIN Clerk with sufficient information to send an NLETS message to the U.S. Department of State. The text of the message should contain only basic information. The officer's IBR report should reflect that an NLETS message was forwarded to the U.S. Department of State.

IN ADDITION TO NOTIFICATION VIA NLETS, A COPY OF ALL CITATIONS AND REPORTS INVOLVING A DIPLOMAT OR CONSULAR OFFICER SHOULD BE FAXED TO:

Traffic

- (202) 895-3646 – Office of Foreign Missions

Criminal/Misdemeanor

- (202) 647-1198 – Office of the Chief of Protocol
- (202) 895-3613 – DSS-Protective Liaison