### Purpose
To provide a procedure for consular notification and access requirements in the event of the arrest or detention of foreign nationals, as set forth under the *Vienna Convention on Consular Relations* treaty.

### General Order
The Indiana University Police Department (IUPD) will follow all guidelines set forth by the United States Department of State and the *Vienna Convention on Consular Relations (VCCR)* regarding foreign nationals. If a foreign national is arrested or detained; dies; is seriously injured; seriously ill; guardianship or trusteeship is being considered with respect to the foreign national who is a minor or an incompetent adult; or a foreign ship wrecks or foreign aircraft crashes, consular notification will be made. In addition, appropriate notification will be made to the Indiana University Offices of International/Student Affairs and the Dean of Students.

A foreign national, as defined by the Department of State and the VCCR, is any individual who is not a United States citizen. Individuals identified as a lawful permanent resident alien (“LPRs”) with a resident alien registration card, also referred to as a “green card”, are also considered foreign nationals.

### Arrest or Detention
When foreign nationals are arrested or detained under the following conditions, they must be advised of their right to have their consular officers notified:

- The subject is arrested or detained for an amount of time longer than necessary for brief routine “detention” such as traffic stops or violations, or vehicle accident investigations.
- The subject is read their Miranda Warnings and under arrest.
- The subject is the suspect in a criminal investigation.

Determine the foreign national’s country, and check the [Mandatory Notification Countries and Jurisdictions list](#). In the absence of other information, assume it is the country on whose passport or other travel documents the foreign national travels. Reference the *Consular Notification & Access Process Flowchart* from the Department of State, for the arrest and detention process.

- If the foreign national's country is not on the mandatory notification list:
  - Offer without delay the option to notify the foreign national's consular officers of the arrest or detention. Read the following statement to the foreign national:
If the foreign national asks that consular notification be made, notify the nearest consular officers of the foreign national's country without delay. Whenever possible the notification will be done by telephone and followed up by a fax.

- If the foreign national's country is on the list of mandatory notification countries:
  - Notify that country's nearest consular officers, without delay, of the arrest or detention. Whenever possible the notification will be done by telephone and followed up by a fax.
  - Tell the foreign national that you are making this notification. Read the following statement to the foreign national:

    “Because of your nationality, we are required to notify your country’s consular officers here in the United States that you have been arrested or detained. We will do this as soon as possible. In addition, you may communicate with your consular officers. You are not required to accept their assistance, but your consular officers may be able to help you obtain legal representation, and may contact your family and visit you in detention, among other things.”

- If a foreign national, whose country is on the mandatory notification list, objects to notification, claims to be afraid, or is seeking asylum, the IUPD:
  - Must notify the consular officers of the incident, but will not reveal the foreign national has or may apply for asylum or withholding of removal to the consular office or to the foreign national’s government; and
  - Will contact the Department of State regarding arrangements for the foreign national and additional specific guidance.
Other Reporting Incidents

Under the VCCR, there are other times, in addition to the arrest or detention of a foreign national, when a consular notification must be made.

- Death of a foreign national.
- Serious injury or illness, including quarantine, of a foreign national.
- Guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent adult, including when taken into protective custody by the government or an individual; a petition to appoint a guardian is filed with the court; and when legal proceedings are initiated in which a foreign national minor is named as a party and their parent or guardian cannot be located.
- A foreign ship wrecks or a foreign aircraft crashes.

Documentation

When a consular notification is made, the following will be documented in the case report:

- Information provided to the foreign national and date/time provided.
- The foreign national’s requests, if any.
- The dates, times, contact information, and names of consular officers spoken to.
- The dates, times, contact information, and the recipients of any information faxed and/or emailed.
- A copy of the fax, including the fax confirmation page, and/or email sent.
- Any other documentation related to the incident.

Notifications

When a consular notification is made, the following department and University notifications will be made:

- For routine arrests or incidents, the information will be included in the shift communications email.
- For incidents involving a foreign national charged with a felony, serious bodily injury or death, notification to the chain of command will be made by phone call as soon as possible.
- For incidents involving an international student or a University employee, the appropriate University office will be contacted.
# 9.2.10 Consular Notification and Access

**Effective Date:** 5/10/2019  
**Revised Date:** 10/24/2021  
**Rescinds:** G9.2.10 - 5/10/2019  
**Number of Pages:** 4

### Related Information

- **Indiana University Police Department:**
  - F9.2.10 *Consular Notification Fax Sheet*

- **U.S. Department of State:**
  - [Consular Notification & Access (CNA)](Consular Notification & Access (CNA))
  - U.S. Department of State  
  - CA/P  
  - SA-17, 12th Floor  
  - Washington, D.C. 20522

  - Telephone: (202) 485-7703  
  - Telephone (After Hours): (202) 647-1512

  - Email: consnot@state.gov

  - [Consular Notification and Access Manual](Consular Notification and Access Manual)

  - [Mandatory Notifications list](Mandatory Notifications list)

  - [Consular Notification & Access Process Flowchart](Consular Notification & Access Process Flowchart)

  - [Vienna Convention on Consular Relations](Vienna Convention on Consular Relations)

---

Benjamin Hunter (10/24/2021)  
Superintendent for Public Safety