



Indiana University Police Department

Procedures – Consular Notification & Access

Issue Date:	1/13/2016	Effective Date:	5/10/2019
Review Date:	5/10/2020	Number of Pages:	6
Rescinds:	None		
IACLEA Standards:	9.2.10		

I. Purpose

To provide a procedure for interacting with foreign nationals and performing consular notification, as set forth under the Vienna Convention on Consular Relations treaty.

II. 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; guardianship or trusteeship is being considered with respect to the foreign national who is a minor or incompetent; or a foreign ship wrecks or 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 (LPR) with a resident alien registration card, also referred to as a “green card”, are also considered foreign nationals. Individuals with dual citizenship in the United States and another country, must be offered the option to have their other country’s consulate notified, if their other country of citizenship is on the mandatory notification list, notification is not required.

III. Arrest or Detention

- A. When foreign nationals are arrested or detained, under the following conditions, they must be advised of their right to have their consular officers notified:¹
 - 1. 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.
 - 2. The subject is read their Miranda Warnings and under arrest.
 - 3. The subject is the suspect in a criminal investigation.
- B. Determine the foreign national’s country, and check the [Mandatory Notification Countries and Jurisdictions](#) list. In the absence of other information, assume it is

¹ IACLEA 9.2.10 Procedures – Consular Notification and Access



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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.](#)²

1. If the foreign national's country is not on the mandatory notification list:³

- a. Offer without delay, the option to notify the foreign national's consular officers of the arrest/detention. The following statement will be read to the foreign national.

“As a non-U.S. citizen who is being arrested or detained, you may request that we notify your country's consular officers here in the United States of your situation. You may also communicate with your consular officers. A consular officer may be able to help you obtain legal representation, and may contact your family and visit you in detention, among other things. If you want us to notify your consular officers, you can request this notification now, or at any time in the future. Do you want us to notify your consular officials at this time?”

- b. If the foreign national asks that consular notification be given, 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.

2. If the foreign national's country is on the list of mandatory notification countries:⁴

- a. Notify that country's nearest consular officers, without delay, of the arrest/detention. Whenever possible the notification will be done by telephone and followed up by a fax.
- b. Tell the foreign national that you are making this notification. The following statement will be read to the foreign national.

² IACLEA 9.2.10 Procedures – Consular Notification and Access

³ IACLEA 9.2.10 Procedures – Consular Notification and Access

⁴ IACLEA 9.2.10 Procedures - Consular Notification and Access



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“Because of your nationality, we are required to notify your country’s consular representatives 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. Please sign to show that you have received this information.”

- c. If a foreign national, whose country is on the mandatory notification list, objects to notification, claims to be afraid, or is seeking asylum, the Department:
 - i. 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
 - ii. will contact the Department of State regarding arrangements for the foreign national and additional specific guidance.

IV. Other Reporting Incidents

- A. 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.⁵
 - 1. Death of a foreign national.
 - 2. Serious injury or illness, including quarantine, of a foreign national.
 - 3. Guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, including when taken into protective custody by the government or an individual; a petition to appoint a guardian is filed; and when legal proceedings are initiated with a foreign national minor named as a party and their parent/guardian cannot be located. A foreign ship wrecks or aircraft crashes.

V. Departmental Action & Notifications

⁵ IACLEA 9.2.10 Procedures - Consular Notification and Access



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- A. For routine arrests or incidents where a consular notification is made, the Shift Supervisor or Officer-in-Charge will include the information in an email and forward through normal channels.
- B. For incidents involving a foreign national containing felony charges, serious bodily injury or death, the Shift Supervisor or Officer-in-Charge will use the following notification procedure:
 - 1. For incidents of serious injury or death, as soon as possible notify the next highest ranking officer in the chain-of-command.
 - a. If they fail to make contact with the next highest ranking officer, they will continue through the chain-of-command until the Division Chief or their designee has been notified.
 - 2. For all other incidents, notify the next highest ranking officer in the chain-of-command through an end of shift summary report.
- C. Create a written record of the notification and actions taken to include:⁶
 - 1. information provided to the foreign national and times provided;
 - 2. the foreign national’s requests, if any;
 - 3. the dates, times, contact information of, and names of consular officers spoken to; and
 - 4. the dates, times, contact information, and the recipients of any information faxed and/or emailed.
- D. A copy of the fax and/or email sent, and any other documentation related to the incident will be included with the case report and forwarded through normal channels.⁷

VI. Campus Notifications

- A. The appropriate office for International/Student Affairs will be contacted whenever the individual is an international student or a University employee and one of the following situations occurs:⁸

⁶ IACLEA 9.2.10 Procedures – Consular Notification and Access

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1. Arrested or detained.
 2. Incidents involving serious bodily injury or death.
 3. Requires the appointment of a guardian or trustee.
- B. If the individual is a student and involves serious injury or death, the Dean of Students Office will be contacted immediately by phone. Contact telephone numbers can be located in the Public Safety Communications Centers and IUPD SharePoint Site.
- C. Please consult the table below for campus notifications.

Normal Business Hour Contacts		
Campus	Student Responsibility	International Contact
Bloomington	Dean of Students [REDACTED]	Office of International Services [REDACTED]
Indianapolis	Dean of Students [REDACTED]	Office of International Affairs [REDACTED]
Columbus	Vice Chancellor & Dean of Students [REDACTED]	Office of International Affairs [REDACTED]
East	Interim Vice Chancellor Academic Affairs, Associate Vice Chancellor for Student Support [REDACTED]	Office of International Services [REDACTED]
Kokomo	Dean of Students, Audra Dowling, [REDACTED]	Director of International Student Services [REDACTED]
Northwest	Dean of Students [REDACTED]	Office of International Services [REDACTED]
Southeast	Dean of Students [REDACTED]	Office of International Services [REDACTED]
South Bend	Vice Chancellor for Student Engagement and Success [REDACTED]	Office of International Student Services [REDACTED]
After Hours Contacts		
Campus	Student Responsibility	International Contact
Bloomington	Dean of Students [REDACTED]	[REDACTED]
Indianapolis	Office of Student Life/Conduct [REDACTED]	Director of International Student Services [REDACTED]
Columbus	[REDACTED]	Director of International Student Services [REDACTED]
East	[REDACTED]	International Services Liaison [REDACTED]



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Kokomo	[Redacted]	Director of International Student Services [Redacted]
Northwest	[Redacted]	International Services Liaison [Redacted]
Southeast	[Redacted]	International Services Liaison [Redacted]
South Bend	[Redacted]	Director of International Student Services [Redacted]

VII. Related Information

Indiana University Police Department:

F9.2.10 *Consular Notification Fax Sheet*

U.S. Department of State:

[Office of Public Affairs and Policy Coordination for Consular Affairs](#)

CA/P, Room 4800

U.S. Department of State

Washington, D.C. 20520

Telephone: (202) 485-7703

Telephone (After Hours): (202) 647 1512

Fax: (202) 485-6170

Email: consnot@state.gov

[Mandatory Notifications list](#)

[Consular Notification & Access Process Flowchart](#)

[Vienna Convention on Consular Relations](#)

Benjamin Hunter (05/10/2019)
Superintendent of Public Safety