

POLICY AND PROCEDURES



**ST. LOUIS COUNTY
JUSTICE CENTER**

DEPARTMENT OF JUSTICE SERVICES
ST. LOUIS COUNTY, MISSOURI

NUMBER: 1805

**SUBJECT: Consular Notification of Foreign
Nationals**

ACA STANDARDS: 4-ALDF-6A-06

DIRECTOR: Herbert Bernsen

EFFECTIVE DATE: 12/02 REVISION DATE: 11/13

I. POLICY

The St. Louis County Department of Justice Services will provide all foreign nationals prisoners with the opportunity to notify their consulate of any incarceration *in accordance with treaties between the United States and foreign countries*. Providing notification will avoid creating grounds for challenging the conviction and sentence due to lack of notification, as well as, avoiding civil lawsuits.]

II. RESPONSIBILITIES

All St. Louis County Department of Justice Services Classification staff, Intake Service Center (ISC) Officers, and Corrections Case Managers are responsible for the following procedures.

III. DEFINITIONS

Consular Booklet: A booklet which provides the names, addresses, phone numbers and fax numbers of all consulates. This booklet also provides written translation in certain languages of the consular notification process for foreign nationals. This booklet is located at the Classification counter in the Intake Service Center and in the offices of the Caseworkers.

Dual National: A person who is under the protection of or owing allegiance to two (2) countries, one of which may be the United States.

Foreign National: A person who is under the protection of or owing allegiance to a foreign country, other than the United States.

Mandatory Notification List: A list of over fifty (50) countries the United States has a treaty with, in which the foreign national inmate's consulate shall be notified of the prisoner's incarceration within seventy-two (72) hours of arrest.

IV. PROCEDURES

A. General Information

1. Any foreign national has the right to have his/her consulate notified. If the foreign national inmate wants notification, the inmate's consulate will be contacted (faxed) within seventy-two (72) hours of arrest. The decision will be documented on the Consulate Form.

NOTE: In some cases, countries on the Mandatory Notification List will be involved. The foreign national's consulate shall be faxed regardless of the foreign national's decision on notification.

2. Consular officials have the right to have access to the nationals detained in jail or prison (in person and by telephone).

B. Consulate Notification

1. The Intake Service Center (ISC) Officer in the Law Enforcement Lobby will check all field arrest reports to ensure the prisoner's location of birth is entered. If the police officer did not enter location of birth on the field arrest report, the ISC Officer will ask the prisoner the location of his/her birth and write that information on the field arrest report.
- [2. The ISC Booking Officer will enter the location of birth for the prisoner into the Integrated Jail Management System (IJMS), under "IMN/Pedigree" for that prisoner.]
- [3. The Classification staff will check the "IMN/Pedigree" section on all prisoners in the IJMS when calling prisoners to the Classification counter. Any prisoner whose location of birth is a

country other than the United States will be asked about their decision to contact their consulate.]

NOTE: In some cases, countries on the Mandatory Notification List will be involved. The Classification staff will review the Consular Booklet located at the Classification counter for mandatory countries.

4. The Classification staff will ask the prisoner the following question. “As a non-United States citizen who is being arrested or detained, you are entitled to have us notify your country’s consulate representative here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family, call and visit you in detention, among other things. If you want us to notify your country’s consular officials, you can request this now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to contact your consular officials?”
5. The Classification Staff will complete the Consulate Form and notify (by fax) the consulate, if requested or mandatory. The Classification staff member will also document the foreign national prisoner’s decision or if it was mandatory and when the form was faxed to the consulate in the JMS, in the prisoner’s chronological notes.
6. The original Consulate Form will be maintained at the Classification counter.
7. The foreign national prisoner may not want to have the consulate notified (non-mandatory country) while he/she is in the Intake Service Center. He/she may request the notification while in a housing unit. The Caseworker assigned to that housing unit will be responsible for completing the Consulate Form and faxing the consulate. The Caseworker will also document the foreign national prisoner’s decision and when the form was faxed to the consulate in the IJMS, in the inmate’s chronological notes. The original Consulate Form will be sent to and maintained at the Classification counter.

NOTE: Each Caseworker will review the Consular Booklet located in their office for mandatory countries.

C. Dual Nationals

1. If a person is a citizen of the United States and another country, that person will be treated exclusively as a United States citizen, when incarcerated in the United States. Consulate notification is not required if the prisoner is a United States citizen. This is true, even if the prisoner's other country of citizenship is a mandatory notification country.
2. If a prisoner is a dual national and one of the countries is not the United States, the Classification staff will notify (fax) both consulates if mandatory or requested by the prisoner.

D. Minor/Incapacitated Adult

1. When a minor or incapacitated adult is incarcerated, the consulate will be informed without delay. There will be a need for a court appointed guardian.

E. Death of a Foreign National

1. If prisoner/inmate who is a foreign national dies while incarcerated, the consulate will be faxed by the Classification staff or Social Worker if in a housing unit. This will allow the foreign government to make an official record of the death for its own legal purposes.
2. The Classification staff/Social Worker will also document when the information was faxed to the consulate in the IJMS, in the inmate's chronological notes. The original form will be sent to and maintained at the Classification counter.
3. All other procedures will be followed as directed by the Inmate Death Policy #838.

