



WRITTEN DIRECTIVE	No. PD14-0504	Page: 1 of 4
Subject: Immunity From Arrest	Effective Date:	02-28-14
	Supersedes/ Amends:	PD10-0504
	Reference:	1.1.4, 61.1.3

I. Purpose

The purpose of this directive is to establish guidelines for officers of this department regarding immunity from arrest.

II. Policy

It shall be the policy of the Lynchburg Police Department to adhere to the statutory requirements regarding immunity from arrest in specific situations.

III. Procedure

61.1.3 C

A. Legislators:

1. Members of Congress may not be detained for the issuance of a summons *while they are in transit to or from the Congress of the United States.* (Code of Virginia: 8.01-327.2)
2. Members of the General Assembly of Virginia, the clerks thereof and their assistants may not be detained for the issuance of a summons *for a period of five days prior to or following a session of the General Assembly.* (Code of Virginia: 30-6)
3. If a member of either the federal or Virginia legislative body is stopped for a traffic infraction under circumstances as listed above:
 - a. The legislator should be identified and released immediately.
 - b. The officer may then obtain a summons for the observed violation and make arrangements to serve the summons at a time when the legislator is neither in transit to a session nor on official business.

61.1.3 D**B. Diplomats/Consular Officials:**

1. Diplomatic immunity is granted by the United States government under provisions of the Vienna Convention on Diplomatic Relations.
2. Generally, these provisions apply to two classes of immunity:
 - a. Diplomats or consular officials, their families, and members of their administrative or technical staff are granted full immunity from arrest and prosecution.
 - b. Other employees of diplomatic or consular missions and members of their families are granted immunity *only* with respect to acts performed in the course of their official duties.
3. Foreign diplomatic and consular personnel will be treated with courtesy and with due regard for the privileges and immunities to which they are entitled under international law.
4. Diplomatic and consular personnel may be issued traffic citations by officers.
 - a. Issuance of a traffic citation does not constitute "arrest" under International Law.
 - b. The officer will not detain diplomatic or consular personnel any longer than necessary to conduct the traffic stop.
 - c. The officer will be mindful that diplomatic and consular personnel:
 - 1) are *not* required to sign the citation
 - 2) are immune from prosecution for an offense through the United States court system.
 - d. The officer may forward a copy of the citation, with a letter detailing the observed violation, to the Department of State, Offices of Protocol and Foreign Missions, Washington, D.C. 20520.
 - 1) The letter will be drafted by the officer for signature by the Chief of Police.
 - 2) A copy of the citation will be attached to the letter.

- 3) The letter will be forwarded through the chain of command to the Chief of Police.
 - 4) Upon approval and signature by the Chief of Police, the letter will be sent to the Department of State.
 - e. Information supplied to the Department of State will be used to evaluate continuation of diplomatic immunity for the affected person.
5. Officers *may* intervene to halt activities of diplomatic or consular personnel when such activities lead the officers to believe that:
 - a. there is imminent danger to the public safety, *or*
 - b. it is apparent that a serious crime may otherwise be committed.
6. It is the responsibility of the diplomatic or consular official to claim any immunity to which they are entitled, through presentation of valid credentials.
7. Inquiry will be promptly made to the Department of State in any case where:
 - a. a person claims diplomatic immunity and cannot present satisfactory identification, *or*
 - b. the officer has reason to believe that the diplomatic identification presented is not valid.
8. Inquiries may be made to the Department of State by calling (571) 345-3146 for information regarding:
 - a) diplomatic and consular personnel not affiliated with the United Nations
 - b) members of any international organization other than the United Nations.
 - c) United Nations personnel.

1.1.4

61.1.3 E

- C. Military personnel (Code of Virginia, Section 44-97):
1. Persons belonging to the Virginia National Guard, the Virginia State Defense Force, or the Naval Militia shall not be arrested on any process issued by or from any civil officer or court (*except in cases of Felony or Breach of the Peace*) while:
 - a. going to, remaining at, or returning from any place at which they may be required to attend for military duty, *or*
 - b. actually engaged in the performance of military duties, except with the consent of their commanding officer.
 2. Code of Virginia 46.2-221.2 should be referred to in relation to extension of licenses for persons in armed services or Foreign Service.

Parks H. Snead
Chief of Police

February 28, 2014

Date