



# Policy and Procedure Manual

## Administrative Division

TITLE:	<b>Affirmative Action Policy</b>
PURPOSE:	To ensure that all employment policies and personnel practices of the Medical Examiner's Office shall be non-discriminatory with regard to race, color, religion, national origin, sex, age, conviction record, or handicap (except where age, sex, conviction record, or physical requirements constitute a <i>bona fide</i> occupational qualification)
AUTHORITY:	The current department Affirmative Action Plan approved by the Department of Human Resources Guidelines of the Equal Employment Opportunity Commission (EEOC) and Milwaukee County Department of Human Resources' Employment Relations Division.
RATIONALE:	The Medical Examiner's Affirmative Action Plan is intended to increase the utilization of women, minorities, handicapped persons, and other protected groups at all levels of employment and in all divisions of the office where these groups may have been previously underutilized and under-represented.
POLICY:	<p>The Medical Examiner's Office pledges to provide the following to employees, applicants and all others who in any way interact with this office:</p> <ul style="list-style-type: none"><li>• Equal employment opportunity;</li><li>• Equal treatment in all matters, and, where possible; equal access to all services and facilities under the control of the Medical Examiner's Office;</li><li>• Equal participation in all benefits;</li><li>• Protection against sexual harassment in compliance with approved guidelines recognized by EEOC and Milwaukee County's Employment Relations Division.</li></ul>



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### PROCEDURE:

1. If an employee believes he/she has been discriminated against based on his/her race, color, religion, national origin, sex, age, conviction record or handicap, he/she shall:
  - 1.1. Complete a complaint form (Form 2303-1, available from the Human Resources Department, Division of Workforce Development), and
  - 1.2. Submit it directly to the Affirmative Action Chairperson as identified in the Affirmative Action Plan posted on the main bulletin board near the break room.
2. Upon receipt of the complaint, the Affirmative Action Chairperson shall review the complaint and forward it directly to the Department of Human Resources for investigation. The Department of Human Resources is responsible for the investigation, and may request information from potential witnesses or others involved in the allegations, or assistance from the Affirmative Action Committee, as needed. At the conclusion of the investigation, a written recommendation for action will be made to the Medical Examiner department by the Human Resources Department.
3. The Affirmative Action Chairperson will notify the complainant in writing of the outcome of the investigation. Discriminatory actions may result in progressive disciplinary action to the perpetrator.
4. Key information from the Medical Examiner's Affirmative Action Plan (i.e. Chairperson and committee member names, Statement of Affirmative Action Commitment from the Medical Examiner, and complaint procedure) is located on the main bulletin board adjacent to the lunch/break room, accessible by all employees.

REFERENCE: Affirmative Action Plan of the Milwaukee County Medical Examiner



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- TITLE:** Cremation Permit Policy
- PURPOSE:** To provide an efficient process for the investigation and authorization of cremation permits.
- AUTHORITY:** §979.10 Wisconsin Statute  
Handbook for Coroners and Medical Examiners published by Wisconsin Division of Public Health Vital Records Section
- RATIONALE:** Cremation permit authorization will be conducted in a timely manner to assist bereaved families in making funeral arrangements, while adequate oversight is mandated by §979.10 Wisconsin Statute to prevent the cremation of bodies whose death requires investigation.
- POLICY:** Due diligence in cremation permit authorization involves a physical viewing of the body, photographs for identification, contact with the treating physician, and review of the original death certificate signed by the physician. The cremation permit is prepared once the investigation process has been completed.
- PROCEDURE:**
- I. Administrative Process
    - A. Once the funeral home becomes aware of family wishes for cremation, they will notify the medical examiner's office with demographic information.
    - B. Funeral director e-mails, faxes, or delivers the signed attestation of death from SVRIS (Statewide Vital Records Information System) to the Medical Examiner's office. (If it is a Medical Examiner case, the incomplete death certificate is provided)
    - C. Medical examiner staff process cremation requests viewed each day, obtaining authorized signatures, making copies, etc. in a batch process.
      1. The name, date of birth, date of death information contained in the death certificate is verified and the date indicating the issuance of the permit is entered into the cremation permit form on the computerized case file.
      2. The cremation permit is printed.
      3. A copy of the signed death certificate and cremation permit is retained in the case file for all cremation permits issued



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4. The clerical support staff bills the funeral home on a monthly basis.
- D. The cremation permit is available for pick up by funeral director staff by 10:00 AM the next business day.
- a. Death certificates received by 5:00 PM on a business day will be available for release by 10:00 AM the next business day.
  - b. In special circumstances, arrangements for expedited release of an authorized cremation permit can be made at the discretion of the Operations Manager or Medical Records Administrator.
- II. Investigator Role
- A. Medical examiner investigator documents in the computerized database the information from the call, including:
1. The deceased's name,
  2. Date of birth,
  3. Date, time and place of death,
  4. Home address,
  5. Name and telephone number of the person requesting the cremation,
  6. Funeral home,
  7. Crematory name, and date of cremation,
  8. Primary medical care provider (select from database directory),
  9. Place of viewing.

A case number is assigned as part of the documentation, and the cremation field is selected to indicate whether it is cremation "only," or a medical examiner case for which cremation is the disposition method.



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B. Cremation View: An external examination is performed by a medical examiner investigator in order to determine and document the presence of trauma, or any other physical findings that could indicate other than a natural death.

1. Investigator conducts cremation viewing at the funeral home for requests received prior to 0800 a.m. (same day), or at the ME office, whichever is most convenient. The body is fingerprinted, photographed and examined as described in External Body Exam and Cremation Cases Policy. Findings are documented on the cremation body examination form, and trauma is noted in the computerized case file. The investigator indicates in CME when the body was viewed.

C. Physician Contact: The ME investigator will contact the attending physician to inquire as to the circumstances of death in cases for the following reasons:

1. Causes of death such as “cardiac arrest, cardiopulmonary arrest, anoxic encephalopathy, sepsis, subdural hematoma,” etc. require direct contact with the signing physician for further clarification before the cremation can be authorized.
2. Authorization for cremation should also be held pending further clarification with the primary medical care provider if the following conditions or terms appear on the death certificate:
  - a) Injury, such as fracture, burn, cut, abrasion, contusion, laceration, hematoma, wound, puncture, blunt force, etc.
  - b) Potentially suspicious circumstances, such as overdose, drowning, electrocution, crash, fire, attempted suicide, Sudden Infant Death Syndrome (SIDS), or Sudden Unexpected Death in Infancy (SUDI), unknown cause, etc.

### III. Cremation Authorization

A. Upon completion of the investigation, the signed death certificate, body view document, and the case file including medical history is reviewed for completeness, accuracy and any potential contraindications to cremation prior to authorization.

B. Permits may be signed by forensic investigators, the investigator-in-charge, operations manager, or forensic pathologists. Authorization is documented by signature on the Cremation Permit.



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- TITLE:** **Death Certificate Completion Procedure**
- PURPOSE:** To provide an efficient process for the completion of death certificates.
- AUTHORITY:** Wisconsin State Statute 979.10
- RATIONALE:** Death certificate completion will be conducted in a timely and accurate manner to assist bereaved families legally finalizing the cause and manner of death.
- POLICY:** Due diligence in death certificate completion involves logging in the death certificate in CME, completing portions of the death certificate, having the death certificate signed by the physician, and returned to funeral home.
- PROCEDURE:**
- A. A funeral home/director creates the record in SVRIS and assigns the certifier to C/ME and the pathologist in this office.
  - B. Once the C/ME and the pathologist has been assigned, the record is available in the SVRIS Work Queue titled Death MC In Progress.
  - C. Select a record and look up the case number/name in CME.
  - D. Ensure the correct funeral home has been selected in CME that is listed on the Disposition tab in SVRIS.
  - E. Verify the spelling of the decedent's name, date of birth, and residence address on the Decedent Demographic tab in SVRIS with CME.
  - F. Verify date of death, time of death, pronouncer name and type, and location of death on the Decedent tab in SVRIS with CME.
  - G. Verify correct certifier is selected in SVRIS.
  - H. In the Cause of Death tab in SVRIS, enter date and time of death (estimated or actual), autopsy performed (Y/N), tobacco and alcohol contributed to death (drop down list), pregnancy status (if applicable), CME case number, Manner of death, Cause of death, Other Significant Conditions (if applicable), and Injury information (if applicable). All the previously mentioned information is available in CME.
  - I. Sign for Medical Information being completed on the Signature tab in SVRIS. Enter the date into CME for date signed or pending issued.



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- J. The record is sent to the Work Queue titled Death MC Ready To Sign. The pathologist reviews the cases assigned to them and signs the Certifier section in the Signature tab in SVRIS.
- K. Once the pathologist signs the Certifier section, the record gets sent electronically back to the funeral home for further review or information.



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### AMENDMENT PROCEDURE

- A. If a death certificate needs amending because it was originally pending, the record is listed in SVRIS in the Work Queue titled Death MC Pending COD. Select case to be amended.
- B. While in the case in SVRIS, select File in the upper left corner, then New Event, and then Death Amendment. This will open up a new window in SVRIS.
- C. In the Cause of Death tab, verify date and time of death is correct. Change the Manner of Death and enter the Cause of Death as it is listed in CME. Enter in Injury information if applicable.
- D. In the Completion Tab, sign the Amendment Request Complete section.
- E. Enter amendment date into CME.



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## Autopsy Division

### **TITLE: “Difficult Case” Conference**

**PURPOSE:** To develop performance standards for reviewing challenging and/or controversial cases.

**RATIONALE:** While many autopsies are relatively straightforward, others present particular diagnostic challenges. In cases for which the cause of death may be evident, challenges may be presented based on manner of death assignment. The “difficult case” conference is an opportunity for the staff to meet to discuss such cases for both guidance and teaching purposes.

**POLICY:** The medical examiner pathologist determines case selection for the difficult case conference; “high profile” cases such as in-custody death are subject to automatic review.

### **PROCEDURE:**

a. Base on individual choice and judgment, staff pathologists will select cases for review at the difficult case conference.

b. Cases subject to automatic review will include any “high profile” case, such as in-custody death or any case garnering unusual agency or community scrutiny. Review in such cases will include additional relevant materials such as police reports (including video and/or audio records, as available).

c. The prosecuting pathologist will present the case (resident/fellow if appropriate). Presentation will include appropriate details from the medical examiner’s office investigative report, investigative reports from outside agencies (as appropriate), relevant medical history, the autopsy, and results of ancillary testing.

d. Although cases discussed and a brief synopsis will be recorded for ACGME purposes, proceedings at this meeting are considered peer review, confidential, and not subject to open records release.

e. Although guidance may be sought and is expected to result from difficult case conference, the disposition of each case is the responsibility and privilege of the attending staff forensic pathologist.

f. All final death certificates in cases of “in custody” death will be reviewed by the chief medical examiner prior to release.



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- TITLE:** **Driver's License Verification**
- PURPOSE:** To document the requirement for employees to submit evidence of a valid driver's license in order to operate County vehicles for business purposes
- AUTHORITY:** Milwaukee County Civil Service Rule VII, Section 4(1)(b)  
"Unauthorized use, misuse, destruction of or damage to any property including vehicles, said damage occurring because of neglect while on county business.
- RATIONALE:** It is a violation of Wisconsin law to operate a vehicle without possessing a valid driver's license. [See §343.05 (3) (a) WI state statute]. The management staff of the Medical Examiner's Office is responsible for periodically checking the drivers licenses of the employees authorized to drive the Medical Examiner vehicles as County liability could arise if an employee was found operating a Milwaukee County vehicle without a valid driver's license.
- POLICY:** The vehicles currently assigned to the Medical Examiners Office are for Milwaukee County-related purposes only and are to be utilized by employees holding valid driver's licenses, and for work-related travel only.
- PROCEDURE:**
1. Proof of Licensure
    - 1.1. Periodically, the Operations Manager will check the WISDOT website to verify each employee has a valid drivers license.
    - 1.2. If, at any time throughout the year, the employee's driver's license is revoked or limited in any way, it is the responsibility of the employee to inform the immediate supervisor of such limitations
    - 1.3. In the instance where an employee's driver's license is limited or revoked, evaluation of the employees' fitness for duty will be conducted where the job description requires a valid driver's license.



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- TITLE:** **Educational Travel Policy**
- PURPOSE:** To promote the development and enhancement of employees skills through continuing education.
- AUTHORITY:** Chapter 17.185 General Ordinances Milwaukee County  
Milwaukee County Administrative Code §56.05  
Procedure 5.11 of the Milwaukee County Administrative Manual
- RATIONALE:** It is a stated mission of the medical examiner's office to promote employee education and training to uphold the highest standards of death investigation.
- POLICY:** Employees are encouraged to attend educational training programs, professional conferences and seminars for the purpose of enhancing skills and overall work performance as well as an opportunity to network with peers in the profession. The department budget constraints at the time of the request may or may not permit employer-paid attendance at approved educational programs. Employees choosing to attend educational programs, seminars or conferences at their own expense may be granted work time for this purpose upon the approval of the employee's immediate supervisor. Paid time for attendance/participation at conferences, classes and/or seminars may not exceed a total of ten (10) working days per year without prior approval by the Medical Examiner.
- PROCEDURE:**
- I. Requests to attend an educational program, seminar, professional conference, etc., whether to be paid by Milwaukee County or not, are to be submitted as far in advance as possible to the employee's immediate supervisor. Requests are to be submitted on the Travel Request form, and must include a brochure or other published materials describing the purpose, intended audience, objectives, location, duration, and cost of the event.
    - A. To obtain estimates on airfare, hotels, etc. the employee should see the Operations Manager for a current listing of the official travel agents for Milwaukee County for the purpose of obtaining estimates for those



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expenses relating to the trip. The daily *per diem* rate for meals as well as mileage (if driving) for each destination is also available as above.

II. For employer-paid events, upon approval of attendance, the immediate supervisor shall submit to the Operations Manager in writing the following information:

- A. Name of employee
- B. Name of meeting/course
- C. Date(s) of meeting/course
- D. Location of meeting/course
- E. Estimated total cost

III. Travel Advance Processing

A. Upon request of the employee, if the total estimated cost exceeds \$100, the Operations Manager will prepare a Travel Advance for the employee's signature and submit for processing. Milwaukee County will prepay directly to the vendor meeting/seminar registration expenses. Travel Advance checks for lodging, travel and other trip-related expenses are issued shortly before the event, in the form of a check to the employee. If the total amount is less than \$100, the employee uses his/her own funds for the meeting/seminar and submits for reimbursement upon his/her return.

B. Upon the receipt of the travel advance check, it is recommended that the employee make a photocopy of said check to be included for submission with the Travel Expense Report.

C. The employee will receive his/her travel advance check from the Treasurer's Office

IV. Travel Expense Report

A. Upon the employee's return from a trip, he/she submits to the Operations Manager within 15 days, receipts substantiating all reimbursable expenses along with a completed Travel Expense Form.

B. After reviewing the documents for completeness and accuracy, the Operations Manager submits the request to Accounts Payable.

C. Processing of the Travel Expense Report result in either reimbursement to the employee if the total expense exceeds the travel advance or reimbursement to the County Treasurer by the employee if the travel advance exceeded the total expense of the trip.

D. Failure to submit the Travel Expense Report timely may result in the employee's paycheck will be held by the Treasurer's Office until the outstanding Travel Expense Report is filed with the Accounts Payable Department.



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TITLE:	<b>External Information and Educational Presentations</b>
PURPOSE:	To provide consistent guidelines for responding to various requests for external speaking engagements to school groups, professional or associations, civic organizations and the community-at-large.
AUTHORITY:	§1.05 Management Rights, of the current Memorandum of Agreement between County of Milwaukee and Milwaukee District Council 48 AFSCME, AFL-CIO and its appropriate affiliated locals §1.05 Management Rights of the current Agreement between County of Milwaukee and Federation of Nurses and Health Professionals, Local 5001, AFT, AFL-CIO
RATIONALE:	Prudent use of County resources requires management review into the many outside speaking engagements requested of the office, in order to maintain consistency and compliance with release of information laws affecting access to internal information such as policy issues, case information, including photographic images. Furthermore, it is necessary to track and monitor the speaking engagements and teaching activities of staff in order to evaluate the performance of the office in fulfilling its mission statement initiatives.
POLICY:	Requests for speakers or educational presentations are considered in advance for evaluation as to the value of the presentation, appropriateness of medical examiner office involvement, and assistance with the necessary record-keeping and preparation for the event.



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### PROCEDURE:

A. Requests for speakers or teaching presentations will be discussed in advance of the requested date with the Operations Manager or Medical Examiner. Factors to be considered will include:

1. Is the request consistent with the mission of the medical examiner office?
2. Does the presentation require use of specific case information? If so, does the release of such information provide benefit to the audience substantial enough to outweigh the privacy rights of the decedent/family?
3. Is the presentation an appropriate use of employee time?
4. Is the requested employee the most appropriate/qualified person to give the presentation?
5. What County resources, other than employee time, will be required?

B. Based on the above factors, a decision will be made to accept or decline the invitation.

### II. Use of case files or other office materials

A. Specific case materials may be used in preparation for an educational presentation. No identifying material may be included in the presentation without prior approval

B. Photographic images may be used for teaching purposes, provided that no identifying information is included, and no potentially embarrassing images are portrayed. Case numbers, faces, genitals, tattoos, or other disturbing features are to be concealed prior to use of the photographs.

C. Statistical data searches for presentations containing aggregated data or compiled reports can be made available upon request, through the Operations Manager.



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### III. Compensation

A. Approved presentations may be compensated at the employee's normal hourly rate, if given on work time. Every effort should be made to adjust work hours to schedule the presentation during work hours. Time off for an approved presentation must be approved separately, in advance, by the immediate supervisor; sick time may not be used.

1. Any stipend, honorarium or speaker fee received by the speaker is to be submitted to Milwaukee County if paid time is used.

B. Approved presentations given during non-working hours are at the discretion of the employee.

1. Any stipend, honorarium or speaker fee received by the speaker may be retained by the speaker if unpaid time is used.



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- TITLE:** Facility maintenance
- PURPOSE:** To outline responsibilities and procedures regarding maintenance of the physical plant.
- RATIONALE:** Ongoing care and maintenance of our physical facilities helps to produce a safe work environment; routine maintenance will prolong the useful life of the office and contents, promoting a better return on taxpayer investment.
- POLICY:** Beyond cleaning in the morgue workspace, facility maintenance is the responsibility and concern of Milwaukee County Department of Public Works / Facilities Management.
- PROCEDURE:** Standard cleaning and maintenance will be handled per Milwaukee County DPW / Facilities Management procedures. For needs beyond routine maintenance (light bulb replacement, flooding, etc.), call 278-4971 at any time or work orders may be obtained through the emaintenance website.



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**TITLE: FACILITY SECURITY / SAFETY PLAN**

**PURPOSE:** To provide for and ensure the safety of Medical Examiner employees and visitors in an emergency or disaster through the development of an orderly plan for evacuation, shelter or sheltering-in-place in the event of fire, explosion, tornado, civil unrest, attack, hazardous materials spill/release, or other emergency.

**PROCEDURE:**

1. Authority to evacuate, shelter, or shelter-in-place
  - a. Evacuation, Shelter or Sheltering-In-Place of the courthouse complex can be ordered by the County Executive, County Board Chairman, Sheriff's Department, Facilities Management Division or the Fire Department.
  - b. Localized or area specific emergency situations or conditions affecting this Department may deem necessary the evacuation, shelter or sheltering-in-place of individuals.
2. Evacuation, shelter or sheltering-in-place for the Medical Examiner's Office can be ordered by the Medical Examiner or his designee.
  - a. Individual department managers, supervisors, Office Security Officers or their alternates have the authority to evacuate personnel from their areas where an extremely localized hazard exists within their area, or in the absence of the department head.
  - b. When the department receives information of an emergency, the person receiving the information will write it down, time record message and give it to the Operations Manager, who will in turn disseminate such information throughout the office.
  - c. All employees and visitors shall respond immediately in an orderly fashion. While evacuating or relocating within the building, the Forensic Supervisor (downstairs) and Operations Manager (upstairs) will be responsible for ensuring visitors accompany employees, that all employees are accounted for before and after they reach the shelter or evacuation area and that all visitors and employees have evacuated their respective areas.



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3. Duties of office security officers
  - a. In the event of a weather alert, fire alarm, public address system broadcast or an unannounced emergency situation, the following duties shall be performed by Office Security Officer:
    - i. Notify the Director of the Department of Administrative Services and the Risk Manager of the need to evacuate or seek shelter as directed or as deemed necessary due to emergency circumstances.
    - ii. Upon evacuation or seeking shelter, verify by a quick check walk-through, that the office has been evacuated, including checking the office restrooms. Office Security Officers should not put themselves in jeopardy of injury during this time.
    - iii. Unlock, but leave the office door closed, and tape a sign reading Clear and Secure on the door.
    - iv. Check the public restrooms verify they have been evacuated.
    - v. If evacuation of the building is required, lead the office staff and visitors via the proper evacuation route to the **assembly area, which is on 10<sup>th</sup> Street, north of State Street and south of Highland**, or as otherwise directed by emergency personnel. Help guide individuals with disabilities to the designated evacuation staging area.
    - vi. Report to the Courthouse Assembly Area Officer that the office has been evacuated, report any injuries or damages that have occurred, submit attendance verification report and receive any special instructions.
    - vii. If in-place sheltering is required, lead the office staff and visitors to a safe internal shelter area as indicated by Facilities Management or emergency personnel, or proceed via best judgment to safer areas. Help guide individuals with disabilities to safe internal shelter in place areas.



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4. Assistance for individuals with disabilities:

All employees within Risk Management will share in the responsibility to assist employees and/or visitors with disabilities in the event of an emergency. The guidelines listed below should be followed for assisting persons with disabilities in the event of an emergency:

  - a. Employees and visitors with disabilities who are able to use the exiting stairways in the event of an evacuation emergency should do so under escort by other area evacuees.
  - b. Individuals in need of assistance and visitors who are not able to use building stairway evacuation routes will be escorted by Office Security Officers to (give location of the designated Area of Rescue Assistance) to assemble pending safe evacuation by Emergency Response personnel and/or Facilities Management Security Staff representatives. Where the primary staging area cannot be used, disabled employees and visitors should be escorted to (list the alternate area of rescue assistance). An evacuee will be appointed at the time of the evacuation to stay with the disabled employees and visitors prior to the arrival of Emergency Responders and/or Facilities Management Security Staff.
  - c. Emergency Responders and/or Courthouse Complex Security Officers shall be notified of the location of the staged individuals with disabilities by the Office Security Officers or their alternates. Emergency Responders and/or Courthouse Complex Security Officers will initiate safe evacuation of persons with disabilities down the exiting stairwells.
5. General shelter plan:

After receiving instructions to take shelter for Tornado Warning, all employees and visitors should proceed to the main stairwell and/or the body cooler hallway and remain there until further instructions are given. Managers, supervisors and Office Security Officers or their alternates will help insure orderly compliance.



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6. Sheltering-in-place plan—hazardous materials incident:
  - a. When "on-site" hazardous materials incidents may require facility evacuation, "off-site" incidents may require "sheltering-in-place" to prevent or reduce the potential for harmful exposure to building occupants. When the sheltering-in-place directive is issued and/or when it is apparent that there is an EXTERNAL HAZARD, the following measures should be taken:
    - i. Close, lock down and seal all doors and windows to the outside (sealing may require tape and/or other materials at door bottom/openings).
    - ii. Facilities Management should be shutting down all heating, ventilating and air conditioning (HVAC) intakes.
    - iii. Where applicable, turn off hoods and cover all exhausts, including those in lab rooms, fans in kitchens, bathrooms, and other areas where outside air could enter. Close all dampers.
    - iv. Close all internal building doors to create additional cutoffs between outer building, doors and windows, and the shelter area.
    - v. Always stay away from building windows, as an exterior building explosion could result in injury.
    - vi. Turn off and extinguish all sources of ignition. No smoking, matches or open lights are allowed. Gas and pilot lights, where applicable, should be shut off.
    - vii. If the contaminant is suspected to have entered the building, shelter occupants should cover their mouth and nose to help reduce potential for respiratory exposure.
    - viii. Be alert for communication from the Fire or Sheriff's Department to evacuate the building as directed if the sheltering-in-place plan protection is deemed more hazardous than facility evacuation.
    - ix. All significant chemical spills are required to be reported as soon as practical to the Division of Emergency Government at extension 4709.



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7. Fire procedure
  - a. Where flames and/or smoke are discovered, employees shall:
    - i. Remain calm -- do not panic.
    - ii. Evacuate personnel from the area.
    - iii. Pull a fire alarm box pull station then notify the fire department from a safe area. On a County telephone, dial 9-911. On a public telephone dial 911. Tell them where the fire is (building, address, floor and room number) and calmly give them details of the emergency.
    - iv. Notify Facilities Management at 4971 of the problem.
    - v. Choose to use a fire extinguisher only if you are knowledgeable and trained in proper and safe operation of the unit, and only if you are not at personal risk of injury. Fire extinguishers are meant for use on small incipient stage fires. **WHEN IN DOUBT, GET EVERYONE OUT** and allow the Fire Department to do their job. Smoke and toxic gases from a fire can kill or cause injury. Do not underestimate the harmful effects of fire combustion products. Deadly carbon monoxide cannot be seen, has no odor and has no taste. Evacuate smoke areas immediately.
8. Evacuation plan - Upon receipt of orders to evacuate the building, or where conditions within the Medical Examiner's Office are such that evacuation must be performed, the following procedure should be followed:
  - a. All persons from the lower level will exit via the loading dock door. All persons from the upper level will exit via the side (parking lot) door.
  - b. In case of inclement weather, all personnel will exit via the loading dock door and assemble in the garage.
9. General information
  - a. To minimize danger to your life and the lives of your fellow employees from the effects of attack, fire, flood, explosion, severe weather or other disasters affecting the Medical Examiner's Office, it is imperative that this emergency plan is known by all employees so it can be carried out without panic.
  - b. In an evacuation, employees should confine movements to the assigned stairwells and WALK to the exit.



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- c. Interior control of employees and shelter areas or passageways is the responsibility of the Office Security Officer(s) or their alternates. Exterior control of vehicle and pedestrian traffic is the responsibility of the Sheriff's personnel, with the assistance of the Milwaukee Police Department.
  - d. Valuables, money and vital documents should be secured in vaults or metal cabinets. During bomb threats, however, desk drawers and file cabinet drawers should be left open.
  - e. Disabled employees and visitors unable to use the stairways should be escorted to the nearest closed stairwell, where they will wait pending evacuation or being carried downstairs by emergency response personnel. Notify Floor Security Officers of disabled personnel.
  - f. A copy of this plan will be electronically distributed to all employees and will be given to all new employees at their orientation interview.
10. Severe weather alert
- a. Thunderstorm or tornado watch/warning - Upon a Tornado Warning, key individuals are again notified and informed that seeking shelter will be necessary due to the approach of a tornado. All individuals shall move away from outside walls and windows. Employees and visitors shall seek shelter immediately in the designated shelter area.
11. Bomb threat
- a. All bomb threats are to be treated as potential disaster-causing events. The individual reporting the bomb threat may be the person who placed the device, someone who has become aware of such information, or someone reporting the threat as a hoax. The reporter may be acting because of knowledge or belief that a bomb has been or will be placed and that he/she wants to minimize personal injury or property damage, or because he/she wants to create an atmosphere of anxiety and panic which will result in a disruption of normal activities.
  - b. All bomb threats are required to be immediately reported to the Sheriff's Department by dialing 9-911 on a Milwaukee County telephone.
  - c. Individuals receiving a bomb threat are to remain calm, be courteous and listen in a non-interrupting manner.



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- d. Bomb threat procedure - It is the purpose of the following Employee Bomb Threat Procedure to provide guidance for employees receiving, documenting, characterizing and reporting all bomb threats.
- e. If risk management staff would be notified of a bomb threat in the courthouse or courthouse complex:
  - i. Upon notification of a Courthouse or Courthouse Complex bomb threat, the Risk Management employee receiving the notification shall inform the Room 302 Risk Manager, who will then notify the Department of Administrative Services Director and each Office Security Officer.
  - ii. In the absence of the Risk Manager, the employee will notify the Office Security Officers or their alternates directly. The Office Security Officers will then notify the Department of Administrative Services Director of the threat.
  - iii. Where bomb threat evacuation is ordered by the County Executive, County Board Chairman, Sheriff's Department or Facilities Management, all employees and visitors shall be instructed to evacuate to designated areas, until safe re-entry verification is made with the Sheriff's Department.
  - iv. Evacuation and/or safe place sheltering can also be ordered by the Department of Administrative Services Director or the Risk Manager.
  - v. Where Courthouse evacuation has been ordered or where a decision has been made to evacuate Room 302, the evacuation plan on Page 4.18-8 of this procedure shall be followed.
- f. Action to be taken upon receiving a bomb threat telephone call:
  - i. Receive call and accept comments from caller.
  - ii. If possible, attempt to notify or signal co-worker(s) that you have a bomb threat caller on the line AND TO CALL 9-911.
  - iii. Attempt to keep caller talking. Write down every word.
  - iv. Tell the caller that a bomb explosion could cause serious injury and/or possible death to persons in the area.



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- v. Attempt to discern the caller's sex, age, ethnic group, voice characteristics, speech pattern, accent, composure and any background noise(s).
- vi. Call 9-911. Give the operator your name, location (building number, street, room number, and telephone number), a description of the bomb threat message and a time that it was received. Answer all questions the operator may have.
- vii. Notify the Risk Manager, who will in turn notify the Office Security Officers. The Risk Manager, or in his the Office Security Officers will then notify the Department of Administrative Services Director, the building security staff (4824), and Emergency Management (4709).
- viii. Prepare for implementation of your internal departmental emergency evacuation and shelter in place and disaster plan for the bomb threat emergency.
- ix. Cooperate with responding Sheriff's Department and/or local law enforcement representatives.
- g. If a bomb threat message is left on your voice mail telephone system:
  - i. Save the voice mail message.
  - ii. Call 9-911 and report the bomb threat message to Sheriff's Department representatives and/or local law enforcement representatives.
  - iii. Follow steps 76-9 in the above listed procedure.



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12. Employee training drills
  - a. The Operations Manager and/or designee is responsible to ensure that employees receive training in all aspects of the Emergency Evacuation, Severe Weather, Shelter, Sheltering-in-Place Plan and the use of facility fire extinguishers and fire alarm box pull stations upon hire.
  - b. All employees receive annual refresher training/informational communication regarding the plan and staff use of emergency equipment.
  - c. Employee training shall include an evacuation, shelter, sheltering-in-place walk through drill to show individuals appropriate exits and stairwells, evacuation routes and shelter areas.
  - d. Department heads will ensure employee participation with drills as they may occur.
  - e. The Milwaukee County Safety Coordinator is available to assist department heads with training needs. Basic training is provided by the City of Milwaukee Fire Department Training Division for a nominal fee.
13. Annual plan review and revision - This Evacuation, Shelter, Sheltering-In-Place Plan shall be reviewed and revised as necessary annually, or more often as necessary to ensure accuracy in use in the event of an emergency.



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**TITLE:** Facility Security Policy

**PURPOSE:** To provide a safe and secure work environment for employees, and to maintain the security of property, evidence and decedents within the facility.

**AUTHORITY:** Milwaukee County Civil Service Rule VII, Section 4(1)(e)  
"Unauthorized use, duplication or possession of county keys, or electronically controlled access cards."

**RATIONALE:** The security of people, property and evidence contained within the Medical Examiner facility must be safeguarded to maintain a safe workplace, maintain chain of custody of evidence, and to protect the property rights of the decedents and their families.

**POLICY:** Keys and electronically controlled access cards are issued to each employee for the purpose of gaining entrance to various areas of the facility. The electronically controlled access cards are pre-programmed for individual employees allowing access to only those areas of the facility that are necessary to perform one's assigned duties. Assigned keys and access cards are to be utilized only by the individual employee to whom the key and/or card has been assigned.

### PROCEDURE:

1. Keys and access cards are obtained through the Operations Manager. The Operations Manager will submit an Authorization for Issuance of Keys and Card form (No. 2485 R1) indicating basic information on the employee as well as areas the keys and cards should access. This form will be submitted to the County's locksmith who will then issue the requested keys/cards. Lost keys are to be reported to the Operations Manager who will contact the Department of Public Works for a replacement as well as to request the deactivation of a lost access card. The employee is responsible for the replacement fee of the lost key/card as designated by the Department Works.



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2. To gain access into an area of the facility for which the employee's key/card does not authorize access, a request to enter these areas should be made to the immediate supervisor of the employee who will personally escort the employee to area.
3. Access to the Medical Examiner's Office by visitors and guests is controlled by on-duty staff during normal business hours. After normal business hours, secure access is the responsibility of the investigative team. All visitors with a legitimate business need to enter into the secured area of the facility must sign in at the front desk. Visitors are to be personally escorted only into and out of the area of the building necessary to conduct the required business, and only by the employees responsible for the area in which the visitors need access. The escort is responsible for the activity of the visitors once in the secured areas. Secured doors are not to be propped open for any reason, at any time. Employees are to verify that secured doors are securely latched after use, for the safety of themselves and their coworkers. Visitors such as former employees, family members and others presenting for social rather than business needs will remain in the lobby area of the facility unless accompanied by an employee at all times.
4. Employees are issued photograph identification badges upon hire. ID Badges are to be either visibly displayed on the clothing above the waist at all times while working, either in the office or away from the facility, or available for immediate display if requested. The employee photo ID cards are the property of Milwaukee County, and are to be surrendered upon termination of employment with Milwaukee County.

REFERENCE: County ID badge policy



United States Department of State

# Consular Notification and Access

Third Edition | September 2010

6'6"

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5'6"

5'

4'6"

4'

Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them

DEPARTMENT OF STATE PUBLICATION  
Office of the Legal Adviser and Bureau of Consular Affairs

Revised September 2010

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## ABOUT THIS MANUAL

This manual contains instructions and guidance relating to the obligations of federal, state, and local government officials to provide information to foreign consular officers and to permit foreign consular officers to assist their nationals in the United States. It focuses on the obligations of consular notification and access that pertain to the arrest and detention of foreign nationals; the appointment of guardians for minor and adult foreign nationals; deaths and serious injuries of foreign nationals; and wrecks or crashes of foreign ships or aircraft on U.S. territory. It also addresses related issues pertaining to the provision of consular services by foreign consular officers to their nationals in the United States. The instructions and guidance in this manual pertain to all foreign nationals in the United States, regardless of their legal status.

This manual is designed to help ensure that foreign governments can extend appropriate consular services to their nationals in the United States and that the United States complies with its legal obligations to such governments. These legal obligations arise primarily from treaties, which form part of the supreme law of the land under Article VI of the U.S. Constitution. The instructions and guidance contained in this manual must be followed by all federal, state, and local government officials, whether law enforcement, judicial, or other, insofar as they pertain to foreign nationals subject to the officials' authority or to matters within the officials' competence. Compliance with these instructions and guidance will also help ensure that the United States can insist upon rigorous compliance by foreign governments with respect to U.S. nationals abroad, and will help prevent both international and domestic litigation. The Department of State appreciates the assistance of all federal, state, and local government officials in helping to achieve these objectives.

If you have any questions not addressed in this manual, write or call:

**Office of Policy Coordination and Public Affairs (CA/P)**  
**Bureau of Consular Affairs**  
**U.S. Department of State**  
**2100 C St. NW, Room 4800**  
**Washington, D.C. 20520**  
**Telephone: (202) 647-4415**  
**Fax: (202) 736-7559**  
**Email: [consnot@state.gov](mailto:consnot@state.gov)**  
**Website: [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification)**  
**Twitter: [@ConsularNotify](https://twitter.com/ConsularNotify)**

For urgent telephone inquiries outside normal business hours, you may call the **Department of State Operations Center at (202) 647-1512.**

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The text of this manual, which the Department of State updates periodically, is also available at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification), along with the most up-to-date contact information for foreign embassies and consulates within the United States and other reference materials. All Department of State reference materials on this subject matter are available free of charge to U.S. law enforcement and other government officials. The Department also offers free training seminars on consular notification and access throughout the United States. Please visit the website listed above for further information and to request training.

Additional requirements must be followed in cases pertaining to foreign diplomatic and consular officers and their families. For information on the treatment of such individuals, including in cases of arrests, call the Department of State's Office of Protocol at (202) 647-1985. After hours, you may call the Protective Liaison Division of the Department of State's Bureau of Diplomatic Security at (571) 345-3146 or (866) 217-2089, or send a fax to (202) 895-3613. Further information about diplomatic and consular immunity can be found at [www.state.gov/m/ds/immunities/c9118.htm](http://www.state.gov/m/ds/immunities/c9118.htm).

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### PART ONE: BASIC INSTRUCTIONS

The following pages summarize the basic requirements regarding consular notification and access. They are designed to be distributed or posted as readily accessible instructions or notices to all federal, state, and local officials who may have contact with a foreign national in a situation triggering a requirement to notify the foreign national's consular officers.

These basic instructions and implementation tools, which may be freely photocopied and posted as notices, include:

- ▶ **Summary of Requirements Pertaining to Foreign Nationals**
- ▶ **Steps to Follow When a Foreign National Is Arrested or Detained**
- ▶ **“Mandatory Notification” (“List”) Countries**
- ▶ **Flow Chart of Arrest or Detention Notification Procedures**

## SUMMARY OF REQUIREMENTS PERTAINING TO FOREIGN NATIONALS

- ▶ When foreign nationals from most countries are arrested or detained, they may, upon request, have their consular officers notified without delay of their arrest or detention, and may have their communications to their consular officers forwarded without delay. In addition, foreign nationals must be advised of this information without delay.
- ▶ For foreign nationals of some countries, consular officers must be notified of the arrest or detention of a foreign national even if the foreign national does not request or want notification.
- ▶ Consular officers are entitled to communicate with and to have access to their nationals in detention, and to provide consular assistance to them, including arranging for legal representation.
- ▶ When a law enforcement or other government official becomes aware of the death, serious injury, or serious illness of a foreign national, consular officers must be notified.
- ▶ When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or an incompetent adult, consular officers must be notified.
- ▶ When a foreign shipwrecks or a foreign aircraft crashes in U.S. territory, consular officers must be notified.

These are mutual obligations that also apply to foreign authorities when they arrest or detain U.S. citizens abroad. In general, you should treat a foreign national as you would want a U.S. citizen to be treated in a similar situation in a foreign country. This means prompt and courteous compliance with the above requirements.

### STEPS TO FOLLOW WHEN A FOREIGN NATIONAL IS ARRESTED OR DETAINED

**1. DETERMINE THE FOREIGN NATIONAL'S COUNTRY OF NATIONALITY. IN THE ABSENCE OF OTHER INFORMATION, ASSUME THIS IS THE COUNTRY ON WHOSE PASSPORT OR OTHER TRAVEL DOCUMENT THE FOREIGN NATIONAL IS TRAVELING.**

**2. IF THE FOREIGN NATIONAL'S COUNTRY IS NOT ON THE LIST OF "MANDATORY NOTIFICATION" ("LIST") COUNTRIES AND JURISDICTIONS (SEE PAGE 4 FOR THE LIST):**

- ▶ Inform the foreign national, without delay, that he or she may have his or her consular officers notified of the arrest or detention and may communicate with them. For a suggested statement in several different languages, see Part Five on pages 73 through 95 of this manual.
- ▶ If the foreign national requests that his or her consular officers be notified, notify the nearest embassy or consulate of the foreign national's country without delay. Foreign embassy and consulate phone and fax numbers can be found in Part Seven on pages 108 through 128 of this manual, and on the Department of State's website at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification). A suggested notification fax sheet appears on page 96.
- ▶ Forward any communication from the foreign national to his or her consular officers without delay.

**3. IF THE FOREIGN NATIONAL'S COUNTRY IS ON THE LIST OF "MANDATORY NOTIFICATION" ("LIST") COUNTRIES:**

- ▶ Notify that country's nearest embassy or consulate, without delay, of the arrest or detention. Phone and fax numbers are in Part Seven on pages 108 through 128 of this manual, and you may use the suggested fax sheet on page 96 for making the notification.
- ▶ Tell the foreign national that you are making this notification and inform him or her, without delay, that he or she may communicate with his or her consular officers. A suggested statement to the foreign national in several different languages appears in Part Five on pages 73 through 95 of this manual.
- ▶ Forward any communication from the foreign national to his or her consular officers without delay.

**4. KEEP A WRITTEN RECORD OF:**

- ▶ What information you provided to the foreign national and when.
- ▶ The foreign national's requests, if any.
- ▶ Whether you notified consular officers and, if so, the date and time of notification and the means used to notify them (e.g., fax or phone). If you used fax to notify the consular officers, you should keep the fax confirmation sheet in your records.
- ▶ Any other relevant actions taken.

MANDATORY NOTIFICATION COUNTRIES (“LIST” COUNTRIES)

Albania	Ghana	Saint Lucia
Algeria	Grenada	Saint Vincent and the Grenadines
Antigua and Barbuda	Guyana	Seychelles
Armenia	Hungary	Sierra Leone
Azerbaijan	Jamaica	Singapore
Bahamas	Kazakhstan	Slovakia
Barbados	Kiribati	Tajikistan
Belarus	Kuwait	Tanzania
Belize	Kyrgyzstan	Tonga
Brunei	Malaysia	Trinidad and Tobago
Bulgaria	Malta	Tunisia
China (including Macao and Hong Kong) <sup>1</sup>	Mauritius	Turkmenistan
Costa Rica	Moldova	Tuvalu
Cyprus	Mongolia	Ukraine
Czech Republic	Nigeria	United Kingdom <sup>3</sup>
Dominica	Philippines	Uzbekistan
Fiji	Poland <sup>2</sup>	Zambia
Gambia	Romania	Zimbabwe
Georgia	Russia	
	Saint Kitts and Nevis	

<sup>1</sup> Notification is not mandatory in the case of persons who carry “Republic of China” passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office (“TECRO”), the unofficial entity representing Taiwan’s interests in the United States, can be notified at their request. TECRO’s offices are listed on pages 126-127; see also footnote 128 on page 66.

<sup>2</sup> Mandatory only for foreign nationals who are not lawful permanent residents in the United States (i.e., “green card” holders). Otherwise, upon the national’s request. See the question “But since ‘green card’ holders are living in the United States permanently, why can’t I ignore consular notification requirements for them?” at page 12; see also footnote 18 on page 43.

<sup>3</sup> The bilateral consular convention between the United States and the United Kingdom applies to British nationals from Great Britain (England, Wales, and Scotland); Northern Ireland; the Crown Dependencies of Jersey, Guernsey, and the Isle of Man; and the British Overseas Territories, including Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Gibraltar, Montserrat, and the Turks and Caicos Islands, along with other island territories. Residents of the Overseas Territories may be traveling on a passport issued by the territory with no indication that the territory is British. Nevertheless, for them and all others from a British possession listed above, consular notification and access should be provided to the nearest U.K. consulate. For advice on how to ascertain whether an arrested or detained person is a British national, see the question “What about British nationals” on page 24. For the U.S.–U.K. convention, see footnote 30 on page 47.

# ARRESTING A NON-U.S. CITIZEN

## Consular Notification Process



### Q. Are you a U.S. citizen?

A. **"YES,** I am a U.S. citizen."

(No further action required.)



**"NO,** I am not a U.S. citizen."



### Q. Are you a national of one of these countries?

Albania	Costa Rica	Kazakhstan	Poland <sup>2</sup>	Tanzania
Algeria	Cyprus	Kiribati	Romania	Tonga
Antigua and Barbuda	Czech Republic	Kuwait	Russia	Trinidad and Tobago
Armenia	Dominica	Kyrgyzstan	St. Kitts and Nevis	Tunisia
Azerbaijan	Fiji	Malaysia	St. Lucia	Turkmenistan
Bahamas	Gambia	Malta	St. Vincent and the Grenadines	Tuvalu
Barbados	Georgia	Mauritius	Seychelles	Ukraine
Belarus	Ghana	Moldova	Sierra Leone	United Kingdom <sup>3</sup>
Belize	Grenada	Mongolia	Singapore	Uzbekistan
Brunei	Guyana	Nigeria	Slovakia	Zambia
Bulgaria	Hungary	Philippines	Tajikistan	Zimbabwe
China <sup>1</sup>	Jamaica			

1. Includes Hong Kong and Macao. Does not include Republic of China (Taiwan).

2. Mandatory only for non-permanent residents in the United States (i.e., those not holding a "green card"); for green card holders, notification is upon request.

3. UK includes Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos islands. Residents' passports bear the name of their territory and may also bear the name "United Kingdom." Whether or not the passport bears the name "United Kingdom," consular services for these persons are provided by UK consulates.

A. **"YES."**

**Step 1.** Inform detainee that he or she may communicate with consulate, and that you must notify consulate of arrest/detention.

**Step 2.** Notify nearest consulate **without delay.**

**Step 3.** Make record of notification in case file. Where fax sent, keep fax confirmation.

**Step 4.** Allow consular officers access to detainee if they subsequently request access.

(No further action required.)



**"NO."**

Inform detainee, **without delay**, that he or she may have consulate notified of arrest/detention.

### Q. Do you want your consulate notified of your arrest/detention?

A. **"YES."**

**Step 1.** Make note in case file.

**Step 2.** Notify nearest consulate **without delay.**

**Step 3.** Make record of notification in case file. Where fax sent, keep fax confirmation.

**Step 4.** Allow consular officers access to detainee if they subsequently request access.

(No further action required.)



**"NO."**

**Step 1.** Make note in case file.

**Step 2.** Do **NOT** inform the consulate.

(No further action required.)



### IN ALL CASES:

- Do not inform consulate about detainee's refugee or asylum status.
- Detainee may communicate with consular officer and may request consular access at any time (whether previously declined or not).
- Consular officers may have access to detainee regardless of whether detainee requests it. Even if detainee does not want to be visited, consular officers may still have one face-to-face visit.

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For more information visit: <http://travel.state.gov/consularnotification>

### PART TWO:

#### DETAILED INSTRUCTIONS ON THE TREATMENT OF FOREIGN NATIONALS

If you are a federal, state, or local law enforcement, judicial, or other government official, you should follow the instructions in this manual whenever you are taking official actions relating to a foreign national. These instructions pertain to: (1) the arrest and detention of foreign nationals; (2) the appointment of guardians for foreign nationals who are minors or incompetent adults; (3) deaths of or serious injuries to foreign nationals in the United States; and (4) crashes of foreign aircraft or wrecks of foreign ships in U.S. territory. These instructions also address issues pertaining to the provision of consular services by foreign consular officers to foreign nationals in the United States. They are intended to ensure that foreign governments can extend appropriate consular services to their nationals in the United States and that the United States complies with its legal obligations to such governments.

The instructions in this manual are based on international legal obligations designed to ensure that governments can assist their nationals who live and travel abroad. While these obligations are in part matters of customary international law, most of them are set forth in the 1963 Vienna Convention on Consular Relations (VCCR), a multilateral treaty to which the United States and more than 170 other countries are party. Other obligations are contained in bilateral agreements (sometimes called “conventions” or “treaties”). These are legally binding agreements between the United States and one other country. Treaties such as the VCCR and other consular conventions are binding on federal, state, and local government officials to the extent they pertain to matters within such officials’ competence as a matter of international law and the U.S. Constitution. See U.S. Const., art. VI, cl. 2 (“all Treaties made . . . shall be the supreme law of the land”).

These instructions focus primarily on providing consular notification and access with respect to foreign nationals arrested or detained in the United States, so that their governments can assist them. The obligations of consular notification and access apply to U.S. citizens in foreign countries just as they apply to foreign nationals in the United States. When U.S. citizens are arrested or detained abroad, the U.S. Department of State seeks to ensure that they are treated in a manner consistent with these instructions, and that U.S. consular officers can similarly assist them. It is therefore particularly important that federal, state, and local government officials in the United States comply with these obligations with respect to foreign nationals here.

These instructions also discuss obligations relating to the appointment of guardians for foreign nationals who are minors or incompetent adults; to deaths of, serious injuries to, and serious illnesses of foreign nationals; and to accidents involving foreign aircraft or ships. Like the obligations of consular notification and access for arrest and detention cases, these are mutual obligations that also apply abroad.

The Department of State appreciates the continued cooperation of federal, state, and local law enforcement agencies, corrections officials, prosecutors, members of the judiciary, and other government officials in helping to ensure that foreign nationals in the United States are treated in accordance with these instructions. Such treatment will permit the United States to comply with its legal obligations domestically and to continue to expect rigorous compliance by foreign governments with respect to U.S. citizens abroad.

### ARRESTS AND DETENTIONS OF FOREIGN NATIONALS

Whenever you arrest or detain a foreign national in the United States, you must inform the foreign national, without delay, that he or she may communicate with his or her consular officers. In most cases, the foreign national then has the option to decide whether to have consular representatives notified of the arrest or detention. If the foreign national requests notification, you must notify the foreign national's consular officers of the arrest or detention. In some cases, a bilateral agreement between the United States and the foreign national's country may require you to notify the foreign national's consular officers of an arrest or detention automatically, regardless of the foreign national's wishes. Thus, you must notify consular officers that a national of their country has been arrested or detained if: (1) the foreign national requests notification after being informed of his or her option to make such a request; or (2) a bilateral agreement between the United States and the foreign national's country requires notification regardless of the foreign national's request. A list of all foreign embassies and consulates in the United States, with telephone and fax numbers, appears in Part Seven of this manual to facilitate notification in cases where notification is required.

### NOTIFICATION REQUIRED AT THE FOREIGN NATIONAL'S REQUEST: THE GENERAL RULE

In all cases except those involving nationals from "mandatory notification" ("list") countries (see next section), you must inform the foreign national without delay that he or she may have his or her consular officers notified of the arrest or detention, and that he or she may communicate with the consular officers. Once informed of the option to request consular notification, the foreign national then decides

whether he or she wants notification to occur. Some foreign nationals will request that their consular representatives be notified of their arrest or detention, while others will not. If the foreign national requests notification, you must ensure that the nearest consulate or embassy of the foreign national's country is notified of the arrest or detention without delay. This rule is set forth in Article 36(1)(b) of the VCCR, which applies to most countries.

Thus, the decision whether consular officers should be notified is for the foreign national to make *unless* the foreign national is from a "mandatory notification" ("list") country.

### MANDATORY NOTIFICATION: THE SPECIAL RULE

In cases involving foreign nationals of certain countries, you must notify consular officers if one of their nationals is arrested or detained, regardless of whether the national requests or wants consular notification. The 57 "mandatory notification" countries are listed on page 4 of this manual. They may be referred to in this manual and other Department of State guidance as "mandatory notification" countries, "list" countries, or "special rule" countries.

Mandatory notification requirements arise from bilateral agreements between the United States and these 57 countries. The terms of the bilateral agreements are not identical to one another, however. Mandatory notification generally must be made to the nearest consulate or embassy "without delay," "immediately," or within a specific period of time established in the agreement.

You should inform the foreign national that notification has been made and advise him or her of the option to communicate with his or her consular officers. The relevant provisions on mandatory notification in the United States' bilateral agreements are reproduced in Table A on pages 47 through 52.<sup>4</sup>

Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by his or her government may exist in some mandatory notification cases. The notification requirement should still be honored, but it is usually possible to take precautions regarding the disclosure of information. For example, it is not necessary to provide information about why a foreign national is in detention unless the agreement specifically requires that the reasons be given. A list of countries with bilateral agreements requiring you to give such reasons appears under the question "When I notify the consular officers, should I tell them the reasons for the detention?" on page 29. *Under no circumstances should any information indicating that a foreign national has or may have applied for asylum or withholding of removal in the United States or elsewhere be disclosed to that person's government.* If a consular officer insists on obtaining information about a detainee that the detainee does not want disclosed, the Department of State can provide more specific guidance.

### RECORDKEEPING

Law enforcement agencies should keep written records sufficient to show compliance with the above notification requirements. At a minimum, these records should include:

- ▶ The date and time the foreign national was informed that he or she could communicate with consular officers and, if applicable, could request that consular officers be notified without delay of the arrest or detention. If information was provided in writing, retain a copy.
- ▶ Whether the foreign national requested notification, if applicable.
- ▶ Whether the consulate was notified and, if so, the date and time of notification, method of notification, and confirmation of receipt, if available. (If notification is sent via fax, the law enforcement agency should retain a copy of the notification receipt printed by the fax machine.)
- ▶ Other relevant actions taken.

From time to time, the Department of State receives inquiries and complaints from foreign governments concerning foreign nationals in detention. In such cases, the Department may ask the relevant law enforcement officials whether and when the foreign national was provided with information about consular notification and access; whether he or she requested that his or her consular officers be notified of the arrest or detention; and whether and when this notification was in fact given to the consular officers. *The Department of State does not, however, maintain an inventory or tally of all foreign nationals jailed or imprisoned across the country, and cannot provide such information to foreign consular officers or foreign governments.* Foreign consular officers may raise concerns about consular notification directly with the responsible federal, state, and local officials. Good recordkeeping will facilitate responding to these inquiries and to any consular notification issues that may be raised in litigation.

<sup>4</sup> The United States has bilateral agreements on consular matters with many countries, only some of which contain "mandatory notification" provisions. Others contain a notification requirement similar to that of the VCCR—that is, that consular officers be notified upon the request of a detained foreign national. While the relevant portions of most of these agreements are essentially the same as those of the VCCR, in rare cases they differ in a significant way. For example, some bilateral agreements, in contrast to the VCCR, require the competent authorities (such as the local police who arrested the foreign national) to give consular officers information on why the foreign national has been detained (for the list, see the question "When I notify the consular officers, should I tell them the reasons for the detention?" on page 29). Other bilateral agreements require that consular officers be permitted to converse privately with their nationals (for the list, see the question "Is a consular officer entitled to meet or converse privately with a detained foreign national?" on page 34). Still others differ in the types of detentions that trigger the notification requirement (for the relevant language, see Table B on pages 53-54). Where doubts arise as to whether the VCCR or a bilateral agreement applies in a given case, contact the Department of State.

### CONSULAR ACCESS TO DETAINED FOREIGN NATIONALS

The VCCR and the relevant bilateral agreements allow detained foreign nationals to communicate with their consular officers. Specifically, under the VCCR you must forward any communication by a foreign national to his or her consular representative without delay. Foreign nationals have no right to be released from detention to visit their consular officers, however, and no right to require that a consular officer visit them in detention or otherwise communicate with them or assist them.

It is for the consular officer to decide whether, when, and how to respond to a notification that one of his or her nationals has been detained. Even where a foreign national has not requested a consular visit, the consular officers must be given access to the national and permitted to communicate with him or her. Such officers have the right to visit the national, to converse and correspond with him or her, and to arrange for legal representation. They must refrain from acting on behalf of the foreign national, however, if the national opposes their involvement. If the foreign national does not want consular assistance, the consular officer should be allowed an opportunity to confirm this fact directly (e.g., through a one-time, face-to-face visit). Consular officers may not act as attorneys for their nationals.

While visiting foreign consular officers cannot be restricted in the questions they pose to the detained foreign national, consular access and communication generally must be exercised subject to local laws and regulations. For example, consular officers may be required to visit during established visiting hours, and may, in accordance with local laws and regulations and applicable prison rules, be prevented from taking in prohibited items. They may also be prohibited from taking in recording devices, taking a statement from the foreign national under oath, having the national sign a statement, or otherwise engaging in formal law enforcement activities. Nevertheless, federal, state, and local rules of this nature must not be so restrictive as to defeat the purpose of consular access and communication.

The above requirements are set out in Article 36 of the VCCR. Additional requirements may apply to particular countries because of bilateral agreements. For example, some agreements explicitly require that consular officers be permitted to converse privately with their nationals. (For the full list, see the question “Is a consular officer entitled to meet or converse privately with a detained foreign national?” on page 34.)

While some foreign governments make blanket requests for information on all foreign nationals incarcerated in the United States, the Department of State does not keep a prisoner inventory or tally for any country’s nationals. The Bureau of Prisons or state corrections bureaus may have such information and be willing to provide it, and representatives of the foreign government are free to contact these entities. *Neither the Department nor these entities, however, has an obligation to provide blanket information.*

### DEATHS, SERIOUS INJURIES, AND SERIOUS ILLNESSES OF FOREIGN NATIONALS

If you become aware of the death of a foreign national in the United States, you must ensure that the nearest consulate of that national’s country is notified of the death without delay. This will permit the foreign government to make an official record of the death for its own legal purposes. For example, such notice will help ensure that passports and other legal documentation issued by that country are canceled and not reissued to fraudulent claimants. In addition, it may help ensure that the foreign national’s family and legal heirs, if any, in the foreign country are aware of the death and that the death is known for estate purposes in the foreign national’s country. Once notified of a death, consular officers may in some circumstances act to conserve the decedent’s estate, in accordance with the laws and regulations applicable in the jurisdiction.

The requirement to notify a consular officer in cases of deaths is set out in Article 37(a) of the VCCR, and Article 5 recognizes the functions of consular officers relating to deaths and estates. Additional requirements may apply to particular countries because of bilateral agreements.

Although serious injuries and illnesses are not specifically covered in the VCCR, the Department of State encourages U.S. officials to consider notifying consular officers as a matter of courtesy if a foreign national is in such a critical condition that contacting the consular officers would be in that person's best interests (e.g., if the foreign national is in a coma or is sent to the hospital with a life-threatening injury). Such notification may be particularly helpful if the foreign national's relatives are in the home country.

### APPOINTMENTS OF GUARDIANS OR TRUSTEES FOR FOREIGN NATIONALS

Whenever a probate court or other legally competent authority considers appointing a guardian or trustee for a foreign national who is a minor or an adult lacking full capacity, a court official or other appropriate official involved in the guardianship process must inform the nearest consular officers for that national's country without delay. Notification would normally be required in the following situations:

- ▶ A foreign national is taken into protective custody, either by an individual or a government agency
- ▶ A petition to appoint a guardian for a foreign national is filed with a court
- ▶ Legal proceedings are initiated in which a foreign national minor is named as a party and the individual's parent or guardian cannot be located

The legal procedures for appointment of a guardian or trustee can go forward, but a consular officer should—if possible without prejudice to the appointment process—be

permitted to express any interest his or her government might have in the issue. In some cases, consular officers may wish to assist in finding family members in the home country who could assist in caring for the minor or incompetent adult. The requirement to notify consular officers in cases of guardianship is set out in Article 37(b) of the VCCR, and Article 5 recognizes the functions of consular officers relating to minors and incompetent adults. Additional requirements may apply to particular countries because of bilateral agreements. If a minor child or incompetent adult is arrested or detained, the requirements that pertain to cases of arrests and detentions of foreign nationals must also be followed. If the minor child or incompetent adult is from a "mandatory notification" country, you can make a single notification of the arrest or detention and of any possible need for a guardian. If the minor child or incompetent adult is not from a mandatory notification country but consular notification is required because a guardian may be needed, the requirement to notify consular officers that a guardian is needed should take precedence over the usual requirement to notify only if requested to do so by the foreign national. Again, you can make a single notification of the arrest or detention and of any possible need for a guardian.

### ACCIDENTS INVOLVING FOREIGN SHIPS OR AIRCRAFT

If a ship or airplane registered in a foreign country wrecks or crashes in the United States, the nearest consular officers of that country must be notified without delay. This requirement is set out in Article 37(c) of the VCCR. Once notification has been made, consular officers may undertake to coordinate contacts with the victims' families or to provide other emergency assistance on behalf of the foreign government concerned. Some of the other functions consular officers may undertake in cases involving shipwrecks or air crashes are enumerated in Article 5 of the VCCR. Additional requirements may apply to particular countries because of bilateral agreements.

### PART THREE:

### FREQUENTLY ASKED QUESTIONS

#### QUESTIONS ABOUT CONSULAR OFFICERS

**Q. What is a “consular officer”?**

A. For the purposes of this manual, a consular officer is an official of a foreign government accredited by the U.S. Department of State and authorized to provide assistance on behalf of that government to that government’s citizens in another country, regardless of whether a consular officer is assigned to a consular section of an embassy in Washington, D.C., or to a consular office maintained by the foreign government at a location in the United States outside of Washington, D.C. For other purposes, the officer assigned to an embassy is a “diplomatic officer.”

**Q. What is a “consul”? What is a “consular official”?**

A. The terms “consular officer,” “consular official,” and “consul” mean the same thing, for purposes of the issues discussed in this manual.

**Q. How is a consular officer different from legal “counsel”?**

A. The term “consul” should not be confused with “counsel,” which means an attorney-at-law authorized to provide legal counsel and advice. A foreign consular officer is not authorized to practice law in the United States.

**Q. What is an “honorary consul”?**

A. An honorary consul is a U.S. citizen or an alien who is a lawful permanent resident of the United States who has been authorized by a foreign government to perform consular functions on its behalf in the United States.

An honorary consul should be treated as a consular officer for purposes of the issues discussed in this manual insofar as he or she is acting as an honorary consul. (Some honorary consuls serve only on a part-time basis, and may also engage in work unrelated to their work as honorary consuls.)

**Q. How are diplomatic officers different from consular officers?**

A. A diplomatic officer or “diplomat” is an officer of a foreign government assigned to an embassy to represent that government to the host country. Many diplomatic officers are also authorized by their governments to perform consular functions, and thus to act as consular officers. As noted above, for the purposes of this manual, the term “consular officer” includes a diplomatic officer assigned to an embassy in Washington, D.C., who performs consular functions.

**Q. Should I treat a diplomatic officer the same as a consular officer?**

A. For the purposes of the issues discussed in this manual, you should treat a diplomatic officer and a consular officer similarly. Consular notification can be given to a diplomatic officer at an embassy if no consular officer is closer. A diplomatic officer should be permitted to conduct visits to detained foreign nationals and to perform the other kinds of consular functions discussed in this manual.

**Q. How can I be sure that someone who claims to be a consular officer, a consul, an honorary consul, or a diplomatic officer is in fact one?**

A. Diplomatic and consular officers (including consuls and honorary consuls) have identification cards issued by the Department of State. Sample cards are shown in Part Five of this manual, on pages 99 through 101. If you have any doubt about the authenticity of a State Department identification card, you can call the Department’s Office of Protocol at (202) 647-1985 to have the identity and status of the official verified during business hours (8:15 a.m. to 5:00 p.m. Eastern). Outside of those hours, you may call the Diplomatic Security Command Center at the Department of State at (571) 345-3146 or (866) 217-2089. You may also consult [www.state.gov/m/ds/immunities/c9118.htm](http://www.state.gov/m/ds/immunities/c9118.htm).

## QUESTIONS ABOUT FOREIGN NATIONALS

**Q. Who is a “foreign national”?**

A. For the purposes of consular notification and the instructions in this manual, a “foreign national” is any person who is not a U.S. citizen. (There are rare situations in which a person is neither a U.S. citizen nor a foreign national—i.e., is “stateless.” In such a case, consular notification requirements do not apply.)

**Q. Is a foreign national the same as an “alien”?**

A. Yes, for the purposes of this manual.

**Q. Are “citizenship” and “nationality” the same thing?**

A. Yes, for the purposes of consular notification and access.

**Q. Is a person with a “green card” (a “lawful permanent resident”) considered a foreign national?**

A. Yes. Lawful permanent resident aliens (“LPRs”), who have a resident alien registration card (Department of Homeland Security Form I-551), more commonly known as a “green card,” are not U.S. citizens. They retain their foreign nationality and must be considered “foreign nationals” for the purposes of consular notification. (As described immediately below, special rules apply to Polish nationals holding green cards.)

**Q. But since “green card” holders are living in the United States permanently, why can’t I ignore consular notification requirements for them? Are the rules different for Polish nationals?**

A. You must comply with consular notification and access requirements even if the foreign national you are dealing with is a lawful permanent resident alien (“LPR” or “green card” holder). The rules apply no matter how long the foreign national has lived in the United States. There generally is no reason, for purposes of consular notification, to inquire into whether a foreign national is in the United States on a green card or in some other status.

In the case of Poland, however, Polish green card holders are subject to different rules. Under the bilateral convention between Poland and the United States, Poland is a “mandatory notification” country, but only with respect to “non-permanent residents.” That is, only Polish nationals who are not permanent residents are subject to “mandatory notification” requirements, and must accordingly be treated as nationals of a “mandatory notification” (“list”) country. Polish permanent residents, or green card holders, are to be treated like non-list nationals—that is, they are exempt from the mandatory notification requirement. Polish green card holders must instead be informed that they can have their consular officers notified of their arrest or detention, with notification to consular officers being made only if the Polish green card holder requests it.<sup>5</sup>

<sup>5</sup> See footnote 18 on page 43.

**Q. Do I have to ask everyone I arrest or detain whether he or she is a foreign national?**

A. Routinely asking every person arrested or detained whether he or she is a U.S. citizen is highly recommended and is done by many law enforcement entities. Asking this question is the most effective way to ensure that you are complying with consular notification requirements. Moreover, asking everyone this question will reduce concerns about discrimination based on national origin or ethnicity. If a detainee claims to be a U.S. citizen in response to such a question, you generally can rely on that assertion and assume that consular notification requirements are not relevant. If you have reason to doubt that the person you are arresting or detaining is a U.S. citizen, however, you should inquire further about nationality so as to determine whether any consular notification obligations apply. You should keep a written record of whether the individual claimed to be a U.S. citizen and of any additional steps you took to determine the individual's nationality.

**Q. Short of asking all detainees about their nationality, how might I know that someone is a foreign national?**

A. If you do not routinely ask each person you arrest whether he or she is a U.S. citizen, you will need to develop other procedures for determining whether you have arrested or detained a foreign national and for complying with consular notification requirements. A driver's license issued in the United States will not normally provide information sufficient to indicate whether the license holder is a U.S. citizen. Nor does the fact that a person has a social security number indicate that the person is necessarily a U.S. citizen. A foreign national may present as identification a foreign passport or consular identity card issued by his government or an alien registration document issued by the U.S. Government. If the person presents a document that indicates birth outside the United States, or claims to have been born outside the United States, he or

she may be a foreign national. (Most, but not all, persons born in the United States are U.S. citizens; most, but not all, persons born outside the United States are not U.S. citizens, but a person born outside the United States whose mother or father is a U.S. citizen may be a U.S. citizen, as will a person born outside the United States who has become naturalized as a U.S. citizen.) Unfamiliarity with English may also indicate foreign nationality, though some U.S. citizens do not speak English. Such indicators could be a basis for asking the person whether he or she is a foreign national. You should keep copies of any identification presented and note in the file the basis on which you concluded the person was or was not a foreign national.

**Q. Are foreign nationals required to carry identity documents that indicate their nationality? Do consular notification procedures have to be followed if I can't verify a detainee's nationality through documentation?**

A. Federal law requires that most foreign nationals carry immigration documents with them at all times while in the United States. See 8 U.S.C. § 1304(e). However, arresting officers will frequently come across aliens without documentation identifying their country of nationality. It is the arresting officer's responsibility to inquire about a person's nationality if there is any reason to believe that he or she is not a U.S. citizen.

In all cases where an arrestee claims to be a non-U.S. citizen, arresting officers should follow the appropriate consular notification procedures, even if the arrestee's claim cannot be verified by documentation.

**Q. Should I ask persons I arrest whether they are in the United States legally? Should I treat undocumented and “illegal” aliens differently than aliens lawfully present in the United States?**

A. Consular notification and access requirements apply regardless of immigration status. There is no reason, for purposes of consular notification, to inquire into a person’s legal status in the United States. For purposes of consular notification you should make no distinctions based on whether the foreign national is in the United States “legally” or “illegally.”

**Q. What about dual nationals?**

A. If a person has more than one nationality, the appropriate consular notification procedures will depend first on whether one of the person’s countries of nationality is the United States.

A person who is a U.S. citizen and a national of another country may be treated exclusively as a U.S. citizen when in the United States. In other words, consular notification is not required if the detainee has U.S. citizenship, regardless of whether he or she has another country’s citizenship or nationality as well. This is true even if the detainee’s other country of citizenship is a mandatory notification (“list”) country.

As a matter of discretion, however, the Department of State suggests that, when possible, you permit a visit from the consular officers of the detainee’s other country of nationality, as long as the detainee requests a visit and wishes to be visited by those consular officers.

On occasion, moreover, the Department may ask you to allow a consular visit in cases where the other country permits U.S. consular officers to assist persons detained in that country who are both U.S. citizens and nationals of that country. Furthermore, allowing consular assistance will be particularly important in cases involving children, including those with

two nationalities, who have no relatives in the United States. (For more information on minors, see the question “Should I notify the consulate any time I detain a foreign national who is a minor?” on page 18.)

A person who is not a U.S. citizen, but who is a citizen or national of two or more other countries, should be treated in accordance with the rules applicable to each of those countries. Therefore, the consular officers of both countries will need to be notified if the foreign national so requests. If either country is a mandatory notification country, its consular officers will need to be notified whether or not the foreign national so requests. If both countries are mandatory notification countries, the consular officers of both will need to be notified regardless of whether or not the foreign national so requests

### **QUESTIONS ABOUT WHICH OFFICIALS ARE RESPONSIBLE FOR PROVIDING CONSULAR NOTIFICATION TO FOREIGN CONSULAR OFFICERS**

**Q. Who is actually responsible for making the necessary notifications to the individual or the consular officer?**

A. The responsibility for consular notification, whether in the case of an arrest or detention, a guardianship, or a death lies with what are generally called “competent authorities” in the relevant international agreements. For the United States, this term is understood to mean those officials, whether federal, state, or local, who are responsible for legal action affecting the foreign national and who are competent, within their legal authorities, to give the notification required. This interpretation makes sense as a practical matter: compliance with the notification requirements works best when it is assumed by those government officials closest to the foreign national’s situation and with direct responsibility for it.

**Q. Who is responsible for notifying the consular officers of arrests and detentions?**

A. The law enforcement officers who actually make the arrest or who assume responsibility for the foreign national's detention normally should provide the foreign national with the required consular notification information, and make any required notification to the foreign national's consular officers, unless a relevant implementing statute, regulation, or instruction provides for a different procedure (or if the person's foreign nationality is not known and cannot be determined at the time of arrest). For example, a jurisdiction might provide for the arresting officer to give the detainee consular information and for a different officer to notify the consulate. If the person's foreign nationality is not known at the time of arrest, but becomes known later, it will be necessary to complete consular notification procedures at that time; this may mean that the responsibility for the procedures would have to be assumed by someone other than the arresting officer (e.g. a corrections officer, judicial official, etc.).

In cases involving arrests by officers of the U.S. Department of Justice, the responsibility for implementing consular notification procedures is governed by regulations at 28 C.F.R. § 50.5. As of the date of this manual's publication, that regulation provided that the arresting officer (generally an official of the FBI or the U.S. Marshals Service) has responsibility for informing the foreign national of the relevant consular notification rights and requirements, and for conveying the foreign national's wishes to the U.S. Attorney. The U.S. Attorney is responsible for providing notification to the appropriate consular official when required. (For cases involving detentions by Department of Homeland Security authorities, see the question "Are foreign nationals in immigration detention covered by the consular notification requirement?" on page 19).

In some jurisdictions, magistrate or other judges are being asked to verify or ensure at the time of arraignment that consular notification procedures have been or are followed. If the person's foreign nationality becomes known prior to arraignment, however, consular notification procedures should be followed at that time, to ensure full compliance with applicable requirements.

**Q. What is the responsibility of prosecutors for notifying consular officers of arrests and detentions?**

A. Because they do not arrest or detain foreign nationals, prosecutors are not normally responsible for providing foreign nationals with consular notification information or for notifying consular officers. They may be given responsibility for some or all of these functions by an implementing statute, regulation, or other instruction, however, and they may assist in ensuring that consular notification requirements are complied with even without such statute, regulation, or instruction. In addition, there may be circumstances in which foreign nationality becomes known only long after arrest and initial detention, e.g., as the result of a presentence report or in connection with a transfer to a prison. In such cases, it may be necessary for a prosecutor or prison official to assume responsibility for compliance.

Federal prosecutors are required to notify consular officers in cases involving arrests by officers of the U.S. Department of Justice, pursuant to regulations at 28 C.F.R. § 50.5. The arresting officer is responsible for informing the detainee that he or she may communicate with consular officers and have the consulate notified of his or her arrest or detention upon request.

Prosecutors are strongly encouraged in all cases involving foreign nationals to inquire whether consular notification procedures have been followed. Such inquiries will help promote compliance with consular notification requirements, facilitate the provision of consular assistance by foreign governments to their nationals, and ensure that consular notification compliance does not become an issue in litigation.

**Q. What is the responsibility of judicial officials for notification of arrests and detentions?**

A. The Department of State requests that judicial officials who preside over arraignments or other initial court appearances of foreign nationals inquire at that time whether consular notification procedures have been followed as required by the VCCR and any applicable bilateral agreement providing for mandatory notification. Some states have taken steps to have their magistrate judges address consular notification requirements at arraignment. Such inquiries will help promote compliance with consular notification procedures, facilitate the provision of consular assistance by foreign governments to their nationals, and ensure that consular notification compliance does not become an issue in litigation.

**Q. Who is responsible for notifying consular officers of deaths?**

A. Notification to consular officers of a death of a foreign national should be made by the appropriate U.S. state or local authority, be it a coroner, medical examiner, or law enforcement official investigating the death.

**Q. Who is responsible for notifying consular officers of a serious injury or illness?**

A. Notification of serious injuries and illnesses is not specifically required by the VCCR. Nevertheless, the Department of State encourages U.S. state and local officials to consider making consular notification if a foreign national is in such a critical condition that contacting the consular officers would be in that person's best interests (e.g., if the foreign national is in a coma or is sent to the hospital with a life-threatening injury). Such notification may be particularly helpful if the foreign national's relatives are in the home country.

In cases of serious injuries and illnesses, the competent authority will vary, but the Department of State encourages government officials in such situations to ensure that consular notification is made when appropriate.

**16** The Department of State should be contacted if there is any question about whether or not notification should be made in a particular case.

**Q. Who is responsible for notifying consular officers of appointments of guardians?**

A. Notification should be made by probate or family court officials or by any other appropriate official involved in the guardianship process. In cases involving abuse, neglect, or abandonment of children, this may be the agency or entity acting to protect the child.

**Q. Who is responsible for notifying consular officers of shipwrecks and aircraft crashes?**

A. In the case of an accident or major disaster (such as an airplane crash or shipwreck), the competent authority may vary, but any federal, state, or local government officials responsible for investigating or providing aid or relief during such a situation should ensure notification of consular officers of the country in which the ship or airplane is registered. In addition, if the shipwreck or air crash results in the death of a foreign national, consular officers of the national's home country must be notified of the death.

**Q. Why are state and local government officials expected to provide such notification?**

A. State and local governments must comply with consular notification and access obligations because these obligations are embodied in treaties that are the law of the land under the Supremacy Clause in Article VI of the U.S. Constitution.

In addition, as a practical matter it is much more efficient for consular notification to occur at the local level. The VCCR and other consular conventions and agreements expressly provide for consular officers to interact directly with local government officials; consular officers are therefore not required to use their embassies in Washington, D.C., or the Department of State to communicate with local officials on consular matters. The federal government, however, would be responsible for addressing an international dispute with a foreign government concerning performance by state and local officials of obligations under the relevant treaties.

### QUESTIONS ABOUT THE CIRCUMSTANCES IN WHICH CONSULAR NOTIFICATION REQUIREMENTS APPLY

#### **Q. What kinds of detentions create consular notification obligations?**

A. Under Article 36, the VCCR's requirements apply when a foreign national is "arrested or committed to prison or to custody pending trial or is detained in any other manner." Most of the bilateral agreements use similarly broad language, and cover any form of detention. The term "detained in any other manner" is not defined in the VCCR, but the Department of State believes that it generally should be understood to cover any situation in which a foreign national's ability to communicate with or visit consular officers is impeded as a result of actions by government officials limiting the foreign national's freedom. The Department of State would not consider a "detention" to include a brief traffic stop or similar event in which a foreign national is questioned and then allowed to resume his or her activities.

Immigration, civil, and criminal detentions are all covered. The placement of a foreign national in government-ordered quarantine for more than a short period of time, or committing him or her involuntarily to a mental health institution, would also be covered. (For more on this issue, see the question "If I have a foreign national who is hospitalized or quarantined, do I have to provide consular notification?" on page 18.)

While there are no specific exceptions for short detentions, potentially lasting less than 24 hours, compliance with consular notification requirements may not be practicable. For example:

- ▶ A foreign national is arrested on misdemeanor charges and is released several hours later after the booking process is completed.
- ▶ A foreign national is arrested while intoxicated, is unable to understand consular notification information, and is held overnight and then released.
- ▶ A foreign national is detained for several hours of questioning and then released. As a practical matter, consular officers will be more concerned about arrests for serious crimes and with detentions that last long enough to prevent the foreign national from communicating with his or her consular officers in essentially the same manner as he or she could if not detained. If a consular officer asks not to be notified about certain kinds of cases, you should ask that the request be confirmed in writing and consult with the Department of State.

#### **Q. Do I have to inform and notify even when the detention is only while a traffic citation is written, or for a similar brief time?**

A. No. The VCCR's requirements apply whenever a foreign national is arrested or detained in any manner, without distinguishing arrests that do not result in a significant detention. The primary purpose of the requirement is to ensure that a government does not place a foreign national in a situation in which the foreign national cannot communicate with or receive assistance from his or her own government. When a foreign national is stopped and released within a short period of time, this consideration is not relevant because the foreign national is free to contact consular officers independently. The Department of State therefore does not consider brief routine detentions, such as for traffic violations or accident investigations, to be the type of situations in which consular notification procedures must be followed.

**Q. Should I notify the consulate any time I detain a foreign national who is a minor? What if the minor is unaccompanied and I am unable to locate the parent or guardian?**

A. You must notify the nearest consulate, without delay, if the minor is a national of a “mandatory notification” (“list”) country. If the minor is not a national of a list country, you should attempt to locate the minor’s parent or guardian and ask whether he or she wants you to notify the consulate of the minor’s detention. If you are unable to locate the legal guardian within 24 to 72 hours, or you believe the minor to be a victim of abuse or trafficking and that contacting the parent or guardian would place the minor in danger, you should notify the consulate unless, under the circumstances, there is reason to believe notification could be detrimental to the minor (e.g., if the minor is seeking asylum in the United States). In such cases, you should ask a court or other competent authority to determine whether notification would be in the best interests of the minor. Consular notification is required in any case if the court or other appropriate authority initiates proceedings to appoint a guardian or trustee for the detained minor.

**Q. If I have a foreign national who is hospitalized or quarantined, do I have to provide consular notification?**

A. Usually. If the foreign national is hospitalized or quarantined pursuant to governmental authority (law enforcement, judicial, or administrative) and is not free to leave, under the VCCR and most bilateral agreements he or she must be treated like a foreign national in detention, and appropriate notification must be provided. Consular officers must be notified of the detention (regardless of the foreign national’s wishes) if the detention occurs in circumstances indicating that the appointment of a guardian for the foreign national is required (e.g., if the detention is the result of an involuntary commitment due to mental illness).

**Q. What about consular notification for adults who are mentally incompetent or lacking full capacity?**

A. In cases where a detained adult foreign national is believed to lack full capacity, you must notify the national’s consular officers if he or she is a national of a list country. If the individual is not a national of a list country, you should first determine whether his or her incapacity is likely to be temporary or to last for a significant period of time. If the foreign national is expected to recover his or her full capacity within 24 to 48 hours, you should wait until the individual has recovered and then ask whether he or she wants you to notify consular officers of the detention. If the foreign national requests notification, a responsible official must ensure that notification is given to consular officers without delay. If the individual is not expected to recover his or her full capacity within 24 to 48 hours, pretrial services officers should bring the issue of consular notification to the attention of the court or other appropriate authorities, which should determine whether notification would be in the best interests of the detained individual. Notification to consular officers is required in all cases where the court or other appropriate authority initiates proceedings to appoint a guardian or trustee for an incapacitated adult.

**Q. Are civil commitments of foreign nationals covered by consular notification requirements?**

A. Usually. Under the VCCR and most bilateral agreements, a civil commitment is considered a detention. Even prior to the commitment, consular notification may be required by Article 37 of the VCCR, which requires that consular officers be notified whenever it appears that a guardian is needed for a foreign national, e.g., because he or she appears to be mentally ill or legally incompetent.

**Q. Are foreign nationals in immigration detention covered by the consular notification requirement?**

A. Yes. Consistent with this requirement, the Department of Homeland Security has addressed consular notification in its immigration regulations relating to the detention of aliens prior to removal (8 C.F.R. § 236.1(e)). In addition, if an alien is not admitted at a port of entry, but is taken to a detention facility and held there, consular notification requirements apply. The Department of State does not, however, ordinarily consider foreign nationals who are found inadmissible at a port of entry and required to remain at the port of entry until they can depart the United States to be detained within the meaning of the VCCR and the relevant bilateral agreements. Immigration officials nevertheless are encouraged to permit such foreign nationals to communicate with consular officers as a matter of discretion, particularly if the detention becomes prolonged because onward transportation is significantly delayed. Permitting consular communications by foreign nationals held at ports of entry can in some cases help resolve obstacles to the foreign national's admission. For example, a consular officer may be able to confirm whether or not a travel document suspected of being fraudulent is fraudulent or genuine.

**Q. If I am a prison official taking custody of a foreign national long after his or her initial arrest or detention, do I have to inform the foreign national that he or she may have his or her consular officers notified, and to notify such officials where requested or where the national is from a list country?**

A. The Department of State strongly recommends that consular notification procedures be followed routinely whenever a foreign national is transferred to a prison. There are a number of reasons for doing so. First, sometimes the fact that the person is a foreign national only becomes known when the person is transferred to a prison; in this case, prison officials themselves are responsible for completing consular notification procedures. Second, the transfer may also entail a transfer of the foreign national from one consular district to another, so that a new consular post will have jurisdiction over the foreign national.

Third, a detained foreign national may decline consular notification or consular assistance in the early stages of a criminal proceeding but change his or her mind when faced with serving a sentence. Finally, following notification procedures when a foreign national comes into the prison system is a safeguard in case the procedures should have been followed earlier but were not.

**Q. If I am a prison official taking custody of a foreign national who is being transferred to my prison from a different prison, do I have to go through consular notification procedures?**

A. The Department of State strongly encourages that consular notification procedures be followed routinely whenever a foreign national is transferred from one prison to another, for the reasons discussed in the immediately preceding answer.

**Q. Do I have to go through consular notification procedures if an already detained foreign national is charged with a new offense?**

A. No, but notification is encouraged. Provided you went through consular notification procedures when the foreign national was detained on the original charges, you do not have to go through such procedures again if charges against the individual are added. Nevertheless, the Department of State encourages you to do so, in order to permit the consulate to provide whatever additional consular services to the individual it may feel are warranted. The Department strongly encourages repeating the consular notification process if the new charges are significantly more serious than the original charges, and especially if they expose the foreign national to the possibility of the death penalty.

**Q. Do I have to go through consular notification procedures upon the release or parole of an incarcerated foreign national?**

A. Possibly. A foreign national detainee who has been released to parole or to some other type of “aftercare” (e.g., to a halfway house) is generally able to establish contact with a consular official at his or her own discretion. Assuming that the competent authorities undertook consular notification procedures at the time of a foreign national’s initial detention (i.e., informed the national that he or she may have his consular officers notified, and notified such officials upon his or her request, or in any event where he or she is a national of a “mandatory notification” (“list”) country), there is no obligation to go through the procedures a second time when the national is released to parole or aftercare. At the same time, detaining authorities should keep in mind the purpose of consular notification requirements: to ensure that foreign nationals are not placed in situations in which they cannot receive assistance from their own governments. If it appears in particular circumstances that a detainee’s parole or release to aftercare could have the practical effect of impeding the detainee’s access to consular assistance, going through the procedures when there has been a change in the detainee’s status or location could be useful and could help prevent unnecessary complications.

**Q. Do I have to go through consular notification procedures if I am taking a foreign national into custody for a parole violation (e.g., on a parole retake warrant) and he or she was given consular information when originally arrested or detained?**

A. Yes. If the foreign national is taken back into detention after a period at liberty, consular notification procedures must be followed again. The relevant international agreements make no exception for such re-arrests. In addition, the need or desire for consular assistance may exist each time the person is returned to custody.

**Q. Do I have to inform a foreign national that he or she may have his or her consular officers notified even if I give him or her the *Miranda* warning?**

A. Yes. You must follow consular notification procedures with respect to detained foreign nationals in addition to providing *Miranda* or other warnings when required. Consular notification should not be confused with the *Miranda* warning. Neither can substitute for the other.

The *Miranda* warning is given regardless of nationality to protect the individual’s constitutional rights against self-incrimination and to the assistance of legal counsel. The *Miranda* warning must be given prior to a custodial interrogation, regardless of when the interrogation occurs in relationship to the arrest or commencement of detention.

In contrast, the obligation to inform a foreign national that he or she may have consular officers notified stems from international legal requirements intended to permit foreign governments to provide their nationals with appropriate consular assistance. If the VCCR is the governing agreement, an arrested or detained foreign national must be informed “without delay” that he or she may have consular officers notified, regardless of when the *Miranda* warnings are given.

For guidance on the timing of consular information and *Miranda* warnings, see the next section, “Questions About How Quickly You Must Give Consular Information to the Foreign National.”

**Q. If law enforcement officials of the foreign national's government are helping with our investigation, should I still go through the process of notifying consular officers?**

A. Yes. It is important to distinguish between a government's consular officers and other officials, such as law enforcement officers, who have different functions and responsibilities. Even if law enforcement officials of the foreign national's country are aware of the detention and are helping to investigate the crime in which the foreign national allegedly was involved, it is still important to ensure that consular officers are made aware of the arrest or detention when required.

**Q. Are there any circumstances in which I may comply with consular notification requirements by notifying someone other than the consular officer with responsibility for my geographic area?**

A. The VCCR provides for notification to the "consular post." Consular officers are assigned to consular posts that have responsibility for consular districts, which are geographic areas. Consular officers have responsibilities and authority to act within their district. Thus, the original concept was that the consular officer with responsibility for the relevant geographic area would be notified. In practice, local authorities may not know the exact geographic areas served by each of the consulates in the United States. In cases of doubt, you should notify the nearest consulate or the consular section of the country's embassy in Washington, D.C., which will have supervisory authority over all of that country's consular officers in the United States.

The Department of State considers that the objectives of consular notification are met when consular officers of the country have notice of the detention because, if they are not the consular officers who would actually provide consular assistance, they will be in a position to ensure that the proper consular officers are notified. In such cases, you should keep a written record of who was notified, and the individual's location and title.

### QUESTIONS ABOUT HOW QUICKLY YOU MUST GIVE CONSULAR INFORMATION TO THE FOREIGN NATIONAL

**Q. How quickly do I need to inform the foreign national of the option to have his or her consular officers notified of the arrest or detention?**

A. The VCCR requires that a foreign national be informed "without delay" of the option to have a consular officer notified of the arrest or detention. There should be no deliberate delay, and notification must occur as soon as reasonably possible under the circumstances.

The obligation to provide such consular information is triggered by knowledge that the person is a foreign national. Once foreign nationality is known, advising the national that he or she may have consular officers notified must follow promptly. If it appears that the person is probably a foreign national, you should provide consular information and treat the person like a foreign national until and unless you confirm that he or she is instead a U.S. citizen.

Ordinarily, you must inform a foreign national of the possibility of consular notification by or at the time the foreign national is booked for detention, which is a time when identity and foreign nationality can be confirmed in a safe and orderly way. If the identity and foreign nationality of a person are confirmed during a custodial interrogation that precedes booking, consular information should be provided at that time. (Note, however, that there is no requirement to stop the interrogation if the foreign national requests that consular officers be notified of the detention, but nevertheless agrees to provide a statement voluntarily.) The Department of State encourages judicial authorities to confirm during court appearances of foreign nationals that consular notification procedures have occurred as required. If foreign nationality only becomes known during arraignment, consular notification procedures should be followed at that time.

If the fact that the person is a foreign national only becomes known after arrest, booking, or arraignment, the required procedures must be followed at that time. In some cases, this may be only after the person has been convicted and transferred to a prison, transferred from one prison to another, or when a presentence report is prepared. Thus prosecutors, judicial officials, corrections officials, and others should be alert to the possible need to comply with consular notification procedures well after an arrest or initial detention.

**Q. Do I have to inform a foreign national of the option to have his or her consular officers notified of the arrest or detention at the same time that I give the *Miranda* warnings?**

A. There is no requirement that consular information and *Miranda* warnings be given at the same time. On the other hand, some jurisdictions have found it convenient to combine these procedures, such as by including consular information on a card, script, or other written statement alongside the *Miranda* warnings. Such measures may help ensure compliance with consular notification requirements. Unlike when a detainee requests a lawyer after *Miranda* warnings, however, there is no requirement to delay an interview or interrogation while a consular officer is notified of a detention or travels to visit the detainee, if the detainee is willing to proceed.

For a sample of consular information language that may be included on a card or script alongside the *Miranda* warnings, see page 75.

**Q. If I inform a foreign national of the option to have his or her consular officers notified of the arrest or detention at the same time I give the *Miranda* warnings, can I be sure of complying with notification requirements?**

A. In many cases providing consular information and *Miranda* warnings at the same time will result in compliance with consular notification requirements, but this may not always be the case. Consular information must be provided “without delay,” which generally means when you know that the person you have arrested or detained is a foreign national. This might or might not coincide with when *Miranda* warnings must be given. For example, there may be circumstances in which providing consular information only when *Miranda* warnings are given may result in consular information being provided later than it should be (e.g., if foreign nationality is known at the time of booking but any custodial interrogation, and hence the giving of *Miranda* warnings, occurs only later).

The Department of State recommends giving consular information when a detainee is booked because that is a time when identity is formally recorded and foreign nationality is likely to become known. If not at booking, the Department encourages jurisdictions to otherwise identify the point in their arrest or detention procedures at which foreign nationality is most likely to be established, and to make that point the focus of their consular notification procedures. Consular notification procedures will ideally include double-checking for compliance at other times, one of which might be when *Miranda* warnings are given.

### **QUESTIONS ABOUT THE MANNER IN WHICH YOU MUST GIVE CONSULAR INFORMATION TO THE FOREIGN NATIONAL**

**Q. Does the foreign national have to be informed in writing about the option to have his or her consular officers notified of the arrest or detention?**

A. You may inform the detainee orally or in writing, but the Department of State strongly recommends providing the information in writing, particularly when the foreign national does not clearly understand English. In addition, the Department of State strongly recommends that you maintain a written record of the fact the foreign national was provided with consular information and of whether or not the foreign national requested that his or her consular officers be notified. You may want to ask the foreign national to sign a statement confirming that he or she was advised about consular notification and that he or she either did, or did not, want consular officers to be notified. A sample statement for these purposes (in English and several other languages) can be found in Part Five, on pages 75 through 95 of this manual.

**Q. Does the foreign national have to be informed in his or her own language?**

A. There is no requirement to inform a foreign national in his or her own language, but this is clearly preferable. Regardless of what language you use, you should seek to ensure that the foreign national understands what you are saying. Sample statements with translations appear in Part Five, on pages 75 through 95 of this manual, to facilitate providing information to foreign nationals notwithstanding language barriers.

**Q. How do I figure out what country the foreign national is from, so that I know which consulate to notify? What if the national's passport is from a country that no longer exists?**

A. The best way is to check the foreign national's passport or other identification documents,

although many forms of identification (e.g., driver's licenses and social security cards) do not indicate nationality. In the absence of credible documents indicating nationality, ask the foreign national what his or her nationality is.

Some foreign nationals may be carrying a passport or other travel document bearing the name of a country that no longer exists, or exists with a different name. In rare cases, for example, you may encounter a national of a country that used to be part of the Soviet Union still in possession of an expired Soviet passport, or a national of the Czech Republic or Slovakia in possession of an expired passport issued by Czechoslovakia. More commonly, nationals of countries that made up the former Yugoslavia, especially the countries of Serbia, Montenegro, and Kosovo, may be carrying passports bearing the names of their individual countries or of the country they formerly composed: the "Federal Republic of Yugoslavia." Kosovo nationals, moreover, may be using a travel document issued by the United Nations Mission in Kosovo or a passport bearing the name "Republic of Serbia." In all such cases, you should attempt to ascertain from the foreign national his or her current country of nationality and, if he or she is unwilling to give such information, the country with which he or she wishes to establish consular communications. If requested to do so, and even if not so requested where the country in question is a "mandatory notification" ("list") country, you must then contact that country's consulate.

Residents of certain autonomous entities and territories, administrative regions, and other possessions may be carrying a passport that bears the name of their territory or entity along with the name of the country that has jurisdiction over it and provides its residents with consular services. Examples include certain overseas possessions of the United Kingdom (see the question "What about British nationals" immediately below); the Danish autonomous territories of Greenland and the Faroe Islands; and the Chinese special administrative regions

of Hong Kong and Macao.

Barring evidence to the contrary, you should consider these persons nationals of the country with jurisdiction over the person's territory of residence. For advice on figuring out whether the arrestee or detainee is a foreign national in the first place, see the question "Short of asking all detainees about their nationality, how might I know that someone is a foreign national?" on page 13.

**Q. What about British nationals?**

A. British nationality can be difficult to ascertain, as the United Kingdom has many current and former overseas territories whose residents may or may not be British nationals. Under the laws of the United Kingdom, certain residents of its former territories may have retained their British nationality upon independence. These persons will usually be dual nationals of the United Kingdom and the other country. As described above (see the question "What about dual nationals?" on page 14), a person who is not a U.S. citizen, but who is a citizen or national of two or more other countries, should be treated in accordance with the rules applicable to each of those countries. The United Kingdom and many of its former territories are "mandatory notification" ("list") countries and must be notified in the event one of their nationals is arrested or detained, regardless of the individual's wishes.<sup>6</sup> The following former British territories are those that most frequently have residents who retained their British nationality upon independence, though this list is not exhaustive:

*Antigua and Barbuda; Bahamas; Barbados; Dominica; Fiji; Grenada; Kiribati; Saint Kitts and Nevis; Saint Lucia; Saint Vincent and the Grenadines; Seychelles; Tonga; Trinidad and Tobago; Tuvalu*

These persons may or may not be carrying a passport issued by the United Kingdom or other documentation indicating their British nationality. The best or only method of ascertaining whether an individual from one of

the above countries is also a British national, and that the British consulate must therefore be notified, may be simply to ask the person to identify his or her nationalities.

Certain other territories currently belong to the United Kingdom. These are called "British Overseas Territories," and their residents generally have British nationality. The British Overseas Territories do not have consulates of their own in the United States, even though they often do issue their own passports. Their residents rely on the consular services of the United Kingdom, so you will need to contact the nearest British consulate if you arrest or detain one of these persons. The British Overseas Territories are:

*Anguilla; British Virgin Islands; Bermuda; Montserrat; Turks and Caicos*

While these persons may be carrying a passport issued by the United Kingdom that contains the words "British" or "United Kingdom" on the cover or data page, they may be carrying a passport issued by their home territory (for example, Bermuda) with no indication of British nationality. Whatever the case, such persons are British nationals, and you must contact the nearest British consulate to inform it of the arrest or detention. Again, when in doubt, you may need to ask the individual to identify his or her nationalities.

**Q. What if I can't communicate with the foreign national? Can I notify consular officers regardless of what the foreign national's wishes may be?**

A. Yes, but such a course of action is not recommended unless the foreign national cannot understand what you are saying. If the case is covered by the VCCR (which in most cases requires that a consular official be notified only if the foreign national requests notification), but you cannot communicate with the foreign national, you may notify the relevant consular post of the arrest or detention without ascertaining the foreign national's wishes. You may also want to request the consular official's

<sup>6</sup> See footnote 19 on page 44, and footnote 30 on page 47.

assistance with interpretation.

The VCCR and the bilateral agreements do not create any right belonging to the foreign national that would be violated by informing his or her consular officers of the arrest or detention without his or her consent.<sup>7</sup> However, except in certain cases involving minors and incompetent adults, the Department of State encourages respecting a foreign national's desire not to have his or her consular officers notified when such a desire is known or ascertainable. (See the question "Why doesn't the Department of State encourage consular notification in all cases, regardless of the foreign national's wishes?" on page 27.) Some cases in which communication is not possible may involve minors or incompetent adults, where the VCCR provides for notification of the need for a guardian regardless of the foreign national's wishes.

If the case is covered by a bilateral agreement that requires notification of the consular officer regardless of the foreign national's wishes, then you should simply notify the consular officer as required. You may wish to advise the consular officer of the communication problem and to request assistance with interpretation. In all cases, you should be cautious about releasing information that a foreign national would not want released to his or her government. *You should never indicate to the foreign national's government that the foreign national has requested asylum or withholding of removal.*

### QUESTIONS ABOUT HOW QUICKLY YOU MUST NOTIFY THE CONSULAR OFFICERS OF THEIR NATIONAL'S ARREST OR DETENTION

**Q. In a VCCR ("non-list country") arrest or detention case, if the foreign national requests that consular officers be notified, how quickly do I have to do so?**

A. Without delay. Under the VCCR, you must notify the consular officer of an arrest or detention "without delay" after the foreign national has been informed about consular notification and access and has requested that notification be made.<sup>8</sup>

Notification of arrests and detentions outside of a consulate's regular working hours is not required; notification can be provided in the ordinary course of business. In fact, in some countries notification is given by mail and takes considerably longer to be received. Nevertheless, while the VCCR might not be breached if notification takes several business days, the Department of State recommends that notification be given within 24 to 72 hours of the arrest or detention. This is the standard the Department uses for seeking notification of U.S. citizens arrested abroad. In cases of emergencies (e.g., detentions of persons with serious health problems, deaths, or serious accidents), however, the Department of State urges that efforts be made to contact consular officers outside of normal hours. Some consulates maintain 24-hour coverage. In other cases it is possible and convenient to leave a voice mail at the consulate or to send a fax even though the consulate is closed. (If you leave a voice mail, the Department of State recommends a follow-up call during normal business hours to ensure that it was received; if you send a fax, keep a copy of the confirmation printout.)

<sup>7</sup> However, one bilateral consular convention—the convention between the United States and Ireland—does require you to refrain from contacting Irish consular officers if the detained Irish national, upon being informed about consular notification, requests that you not do so. For a citation to the convention, see footnote 55 on page 53.

<sup>8</sup> Table B on pages 53-54 lists 19 "non-list countries" that have a bilateral agreement with the United States providing for consular notification upon request in terms similar to the VCCR. Most of these agreements require you to inform the consular officer "immediately." Most of these are also parties to the VCCR. Following the same guidance set forth above in the main text—that is, there should be no deliberate delay, and notification to the consular officer must occur as soon as reasonably possible under the circumstances—will in many cases ensure compliance with the bilateral agreements.

**Q. In a “mandatory notification” (“list”) country arrest or detention case, how quickly must the notification be provided to consular officers?**

A. The bilateral agreements that provide for mandatory notification generally use such formulations as “without delay” and “immediately.” One provides for notification “without delay” and expressly states that this contemplates within three days or, if this deadline cannot be met because of communication or other difficulties, “as soon as possible thereafter.” A few provide that notification should occur “immediately” and not later than within two, three, or four days of the arrest or detention. These latter agreements are intended to be more protective than the VCCR, by providing an outside limit or goal for informing a consular officer of a detention.

Table A: Provisions from Bilateral Agreements Requiring Mandatory Notification, on pages 47 through 52, reproduces the language from the mandatory notification bilateral agreements describing how quickly notification must be provided to consular officers. You should consult that language to determine whether notification must be provided within a certain number of days, “immediately,” or “without delay.” Following the same guidance as set forth in the immediately preceding answer will in many cases ensure compliance with the bilateral agreements; in other words, there should be no deliberate delay, and notification must occur as soon as reasonably possible under the circumstances.

**QUESTIONS ABOUT THE MANNER IN WHICH YOU MUST NOTIFY THE CONSULAR OFFICERS OF THEIR NATIONAL’S ARREST OR DETENTION**

**Q. Can I agree to specific requests by particular consular officers to notify them of arrests or detentions that I am not required to tell them about?**

A. A jurisdiction may agree to notify consular officers of all arrests or detentions of their nationals if it can do so consistent with any applicable federal, state, or local privacy laws. It is not unusual for a consular officer to request notification in all or certain kinds of cases. Such a request might be made because of a policy to offer assistance to all of the foreign government’s nationals in detention or as a safeguard against arresting or detaining officials forgetting to inform the foreign national that he or she may request consular notification. U.S. consular officers often ask local authorities to notify them of all arrests of U.S. citizens, even when no treaty requires such automatic notification. As noted on page 25, the VCCR does not create any right belonging to the foreign national that would be violated by informing his or her consular officers of the arrest or detention without his or her consent.<sup>9</sup>

**26** <sup>9</sup> Under a bilateral agreement, the rules are different for detained Irish nationals. See note 7 on page 25.

**Q. Can I simplify the process by notifying consular officers of all arrests or detentions, regardless of the foreign national's wishes, instead of worrying about which countries are "mandatory" ("list") and which are not mandatory?**

A. While the VCCR does not create any right belonging to the foreign national that would be violated by informing his or her consular officers of the arrest or detention without his or her consent,<sup>10</sup> the Department of State does not encourage jurisdictions to adopt a blanket policy of notifying consular officers in every case regardless of whether notification is automatically required by a bilateral agreement (i.e., regardless of whether the foreign national's country is a "mandatory notification" ("list") country). As previously noted, however, there may be situations in which it is appropriate to honor specific requests to notify particular consular officers of arrests and detentions even when notification is not strictly required, if this can be done consistent with applicable privacy and other laws.

**Q. Are there any particular countries that we know want to be notified of arrests and detentions even in cases where I am not required to give notification?**

A. Yes. The Government of Mexico has informed the Department of State of its desire to be notified of the detention of any minor, pregnant woman, or person "at risk" (meaning a person with an extremely serious mental or physical problem or a person who is charged with a crime that could result in capital punishment). Federal, state, and local officials may agree to notify Mexican consular officers of arrests and detentions in such cases, even if the individual does not request notification, if this can be done consistent with any applicable federal, state, or local privacy or other laws.

**Q. Why doesn't the Department of State encourage me to notify the consular officers of the arrest or detention in all cases, regardless of whether the foreign national wants me to notify them? Wouldn't that be simpler?**

A. The Department of State does not encourage a policy of automatically notifying consular officers whenever one of their foreign nationals is arrested or detained, for a number of reasons. There is no uniformly applicable treaty or other federal-level requirement that consular officers be notified of all arrests and detentions of foreign nationals. Without such a governing federal requirement, privacy laws in some states may not permit notification unless the foreign national consents.

In addition, foreign nationals may not want the fact of their arrest or detention disclosed unnecessarily.<sup>11</sup> In some cases, a foreign national may be afraid of his or her government and may wish to apply for refugee status or asylum in the United States. Finally, some foreign consular offices may not have the capacity to deal with notifications in all cases. Learning only of cases in which the foreign national requests notification allows them to use their limited resources more efficiently.

<sup>10</sup> Under a bilateral agreement, the rules are different for detained Irish nationals. See footnote 7 on page 25.

<sup>11</sup> Moreover, one bilateral consular convention—the convention between the United States and Ireland—*requires* that you refrain from contacting Irish consular officers if the detained Irish national, upon being informed about consular notification, requests that you not do so. See footnote 7 on page 25, footnote 55 on page 53, and footnote 136 on page 70.

**Q. Isn't it wrong to follow "mandatory notification" procedures for list countries if the foreign national doesn't want his or her consular officers notified? What about the foreign national's privacy interests? What if the foreign national is afraid of his or her own government?**

A. If the foreign national is from a "mandatory notification" ("list") country, the consular officers must be notified of the arrest or detention even if the foreign national objects or claims to be afraid. If the foreign national is an asylum seeker, arrangements can be made to protect the foreign national while ensuring that the United States fulfills its obligation to notify his or her consular officers. *You should never reveal to the foreign national's government that the foreign national has or may have applied for asylum or withholding of removal.* The Department of State requests that you contact it for specific guidance when faced with such a case.

**Q. If the foreign national is from a "mandatory notification" ("list") country and I notify the consular officers as required, should I tell the foreign national?**

A. Yes. The foreign national should always be told that his or her consular officers have been notified and that he or she may communicate with them. While the mandatory notification bilateral agreements generally do not expressly require that the national be informed of such notification, informing the national about consular notification and access is provided for in the VCCR. Most countries with which the United States has a bilateral agreement also belong to the VCCR, and even in cases in which countries are not party to VCCR, the Department of State expects the same procedures to be followed as a matter of customary international law. If questions arise concerning which instrument governs a particular question—the VCCR or the bilateral agreement—contact the Department of State.

**Q. Can I comply with consular notification requirements by simply letting the detained foreign national have access to a telephone?**

A. No. It is the obligation of the government officials responsible for the arrest or detention to ensure that consular notification procedures are followed. When the foreign national requests that his or her consular officers be notified, or when notification is mandatory because the foreign national is from a "mandatory notification" ("list") country, the government officials responsible for the detention must personally notify the consular officers or ensure (and be able to confirm) that it is provided.

Providing access to a phone and relevant phone numbers is only sufficient to satisfy the obligation to permit consular communication (also in Article 36(1)(b) of the VCCR), and only then if you can confirm that the communication in fact occurred.

**Q. My detention facility only allows inmates to make collect calls when calling outside of the local area. What should I do if a consulate refuses to accept a collect call from a foreign national inmate? Do I have to allow the foreign national to call the consulate directly?**

A. VCCR Article 36(1)(a) states that "consular officers shall be free to communicate with nationals of the sending State and to have access to them," and that "[n]ationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State..." This obligation is satisfied by permitting the detainee to communicate by letter. The Department of State nevertheless encourages permitting telephone communications, including direct calls to consulates that do not accept collect calls, as long as the privilege is not abused.

**Q. When I notify the consular officers, should I tell them the reasons for the detention?**

A. A handful of bilateral consular agreements require you to give the foreign consular officer the reasons why the foreign national was detained:

*Algeria:* Only one bilateral agreement, the agreement with Algeria, requires you to inform the foreign consular officer of the reasons—in the words of the agreement, the “motivating circumstances”—behind the detention, whether or not the consular officer expressly asks you for the reasons.

*Bulgaria, China (including Hong Kong and Macao), Czech Republic, Mongolia, Poland, and Slovakia:* Bilateral agreements with these other six countries require you to inform the foreign consular officer of the reasons behind the detention only if the consular officer asks for the reasons.<sup>12</sup>

For all other countries, you do not have to inform the consular officer of the reasons why the foreign national was detained, as no such obligation exists under the VCCR or relevant bilateral agreements with other countries. Nevertheless, the Department of State recommends that, if the consular officers ask you the reasons, you provide them as a courtesy, if possible. Mexico, for example, has informed the Department that it would like to be advised of the reasons for the arrest of its nationals so that it can focus its consular resources on death penalty and other serious cases. The Department asks that, where possible, you comply with this request.

Generally you may use your discretion in deciding how much information to provide, consistent with privacy considerations and the applicable international agreements, in the initial notification of an arrest or detention. In doing so, you may wish to balance the privacy interests of the detainee with the interests of the foreign government in allocating its resources to respond first to the most serious cases. If a consular official insists that he or she is entitled

to information about a foreign national that the foreign national does not want disclosed, the Department of State can provide guidance.

In some cases, federal or state law may prohibit you from providing detailed information concerning the reasons for the detention. For example, certain laws may prohibit you from giving information to third parties concerning the medical condition of persons confined to a medical institution. Where you have detained a foreign national for medical reasons and the foreign consular officer asks to know the reasons for the detention—especially where the detainee’s nationality is Algerian, Bulgarian, Chinese, Czech, Mongolian, Slovakian, or Tunisian—contact the Department of State for guidance.

**Q. Is there a guiding principle I can follow in applying the consular notification requirements?**

A. Yes: reciprocity. Always keep in mind that these are mutual obligations. In general, you should treat the foreign national as you would want an American citizen to be treated in a similar situation in a foreign country. This means you should inform the foreign national promptly and courteously: (1) that he or she may communicate with consular officers and request consular notification; or (2) that you must notify the consulate because the detainee is from a “mandatory notification” (“list”) country. When required, you should promptly and courteously notify the foreign national’s nearest consular officers so that they can provide whatever consular services they deem appropriate.

<sup>12</sup> Similarly, if the foreign national is ultimately charged with a crime and his or her consular officers ask to know the charges, bilateral agreements with Bulgaria, China (including Hong Kong and Macao), the Czech Republic, Mongolia, Poland, and Slovakia require you to tell them the charges. The agreement with Tunisia also requires you to tell the consular officers the charges, unless the detained Tunisian national expressly asks you not to do so.

### **QUESTIONS ABOUT WHAT HAPPENS IF YOU FAILED TO NOTIFY**

**Q. If I failed to go through consular notification procedures when I should have and the foreign national is still in detention, what should I do?**

A. Consular notification is always “better late than never.” If the appropriate consular notification procedures were not followed at the time of the initial arrest or detention, you should follow the instructions in this manual as soon as you become aware that a foreign national is in your custody, so that the relevant foreign government is given the opportunity to provide consular assistance. You should go through consular notification procedures even if a different government entity (e.g., the police, where you are the prosecutor or a prison official) failed to provide consular notification in the first place.

**Q. If I failed to go through consular notification procedures but the foreign national is now receiving consular assistance, should I still notify the foreign consular officers of the arrest or detention?**

A. If the foreign national has already established contact with his or her consular officers, it is useful but not essential to remedy a failure to provide consular notification by going through the procedures described in this manual. The consular notification procedures are a mechanism to ensure that a foreign government can provide consular assistance to its nationals who are detained. Once the foreign government’s consular officers are aware of the detention it is not necessary, for the mere sake of formality, to follow consular notification procedures. Following consular notification procedures in such a case could be useful, however, to ensure that the foreign national understands his or her options and that there is an official record of compliance with the requirements, which may be helpful if compliance becomes an issue in litigation.

In addition, if the foreign government officials involved are not consular officers (e.g., if they are foreign law enforcement officials), then consular notification procedures should still be followed.

**Q. If I failed to go through consular notification procedures and the foreign national has already been released from detention, should I still go through the process of notification?**

A. The appropriate action in such a situation will vary. If the foreign national is still subject to criminal proceedings arising from his or her arrest, it may be appropriate to advise the prosecutor that consular notification procedures were not followed or to take other steps to ensure that the foreign national or his or her attorney is aware of the option to communicate with consular officers. It may make sense to notify consular officers directly of the ongoing proceedings, particularly if the foreign national is from a “mandatory notification” (“list”) country.

Such steps will ensure that the foreign government is given the opportunity to provide consular assistance for the remaining period of the proceedings. If proceedings against the foreign national have ended and he or she is no longer detained, so that consular assistance is unlikely to have any continuing relevance, there is little or no reason to follow notification procedures. In cases involving brief detentions (e.g., less than 24 hours), the Department of State does not believe any need exists to notify the consular officers where the detainee has already been released, even if consular officers were not notified during the detention.

**Q. What remedy might the foreign national or his or her country have if I failed to go through consular notification procedures?**

A. The judicial remedies available to a foreign national alleging a violation of consular notification requirements vary by jurisdiction. Foreign nationals have sought money damages for alleged violations, though such suits are rarely successful. Some foreign nationals have also sought review of their convictions or sentences, claiming trial counsel provided ineffective assistance by not raising the consular notification violation at trial. The most significant consequence, however, is that the United States will be seen as a country that does not take its international legal obligations seriously.

In all cases where applicable consular notification procedures were not followed, you should determine the reason behind the failure and take steps to prevent similar mistakes in the future. If the country's consular officers complain about the failure to follow proper procedures, it may be appropriate to apologize and to assure them that corrective actions have been or will be taken to prevent recurrences.

If the Department of State receives a complaint that consular notification was not provided as required, it will take whatever actions it deems appropriate, both at the international and domestic levels. The Department will likely request the relevant facts from the detaining federal, state, or local authority, and may intervene to ensure that consular access is permitted where the foreign national is still in detention. The Department will also work with the involved federal, state, or local detaining officials to improve future compliance.

**QUESTIONS ABOUT HOW CONSULAR OFFICERS WILL PROVIDE ACCESS AND ASSISTANCE**

**Q. What can I expect a consular officer to do once notification of an arrest or detention has been made?**

A. A consular officer may do a variety of things to assist a detained foreign national. The consular officer may ask to speak with the foreign national over the phone, may write to him or her, or may arrange one or more consular visits to meet with the detainee to discuss his or her situation and needs. A consular officer may assist in arranging legal representation, monitor the progress of the case, and seek to ensure that the foreign national receives a fair trial (e.g., by working with the foreign national's lawyer, communicating with prosecutors, or observing the trial). The consular officer may speak with prison authorities about the foreign national's conditions of confinement, and may bring the detainee reading material, food, medicine, or other necessities, if permitted by prison regulations. A consular officer will often get in touch with the foreign national's family members, particularly if they are in the country of origin, to advise them of his or her situation, morale, and other relevant information.

The consular officer may also deliver correspondence addressed to the foreign national, subject to applicable regulations of the prison facility. These may include letters from the national's family members or government, including correspondence from courts of the home country or the national's lawyer in the home country on legal matters concerning the national. It is also within the scope of the consular officer's duties to assist the foreign national in transmitting correspondence to these outside entities, as long as any assistance provided is in accordance with applicable rules and regulations of the prison facility.

As the purpose of the consular visit is to allow the consular officer the opportunity to provide consular services to the foreign national with a view to safeguarding the national's own personal interests, the consular officer may not engage in law enforcement activities, such as taking or recording a statement from the national for use in a lawsuit or prosecution in the home country.

The actual services provided by a consular officer will vary in light of numerous factors, including the foreign country's level of representation in the United States and available resources. For example, some countries only have an embassy in Washington, D.C., and will rarely be able to visit their nationals imprisoned in locations elsewhere in the United States. Other countries have consulates located in many major U.S. cities and may regularly perform prison visits throughout the United States. Each country has discretion in deciding what level of consular services it will actually provide.

**Q. Are consular officers obligated to provide assistance to their nationals?**

A. The VCCR and bilateral consular agreements do not require consular officers to provide assistance to their detained nationals. Some countries may have internal policies or laws obligating their consular officers to provide certain services, but most consular assistance is provided at the discretion of the consulate based on resources, workload, location of consulates in the United States, and other factors.

**Q. Can I rely on the consular officer to arrange for legal counsel?**

A. No. If the foreign national has a right to counsel and requests that he or she be given a court-appointed lawyer, you should follow ordinary procedures for arranging counsel. While a consular officer is permitted to assist in arranging counsel, whether or not to assist is fully within the consular officer's discretion.

**Q. Is a consular officer entitled to act as legal counsel for a detained foreign national?**

A. No. Consular officers are not permitted to practice law in the United States. They may, however, participate in litigation as "friends of the court," and they may assist a foreign national and his or her legal counsel in preparation of the foreign national's defense, if the foreign national agrees.

**Q. Are a consular officer's communications with a detained foreign national privileged in the same way communications with lawyers are privileged? Can the consular officer take actions contrary to the foreign national's interests?**

A. A consular officer is entitled to testimonial immunity concerning matters connected with the exercise of his functions, unless his government waives that immunity. In other words, the officer cannot be compelled to give testimony about what he or she has learned or done in the course of performing consular functions, unless his or her government waives such immunity. Even so, the Department of State expects consular officers to provide appropriate assistance to prosecutors and other U.S. authorities, e.g., by confirming the identity of their nationals, and helping the Department of Homeland Security to remove their nationals from the United States when an order of removal is final, regardless of whether the national wants to be removed.

A consular officer may take actions contrary to the foreign national's interests, and is not required to preserve the confidences of the foreign national unless so required under the laws of his or her own country. For example, a consular officer may share information obtained in an interview with the detainee with law enforcement authorities of his or her home country. A consular officer may also assist arresting or detaining authorities by doing things such as reviewing identity documents to determine if they are authentic, assisting with interpretation, or helping to contact witnesses or other interested persons.

**Q. Do I have to permit a consular officer to have access to a detainee?**

A. Yes—and you must allow one consular visit even if the foreign national doesn't want a visit. Consular officers are entitled to visit and to communicate with their detained nationals. This is true even if the foreign national has not requested a visit, or specifically tells you that he or she does not want to be visited or contacted by consular officers. In situations where you have told the foreign national that he or she may have his or her consular officers notified, and the foreign national declines notification, the consulate may become aware of the arrest or detention anyway, through independent means. The consulate may also become aware because you notified them, as required where the foreign national's country is a "mandatory notification" ("list") country. In either case, where consular officers have become aware of the arrest or detention and request consular access, you must allow it.

If the foreign national does not want consular assistance, the consular officer should be allowed an opportunity to confirm that directly—for example, through a one-time, face-to-face meeting. In the event that an in-person, face-to-face meeting is not practicable (e.g., in a quarantine situation or an involuntary commitment where the foreign national poses a danger to himself and others), you should develop a mutually acceptable alternative. The Department of State can assist in these efforts.

*However, you should never reveal to the foreign national's government that the foreign national has or may have applied for asylum or withholding of removal. If a consular officer insists on obtaining information about a foreign national that the national does not want disclosed, the Department of State can provide more specific guidance.*

**Q. Do I have to allow access by employees of the consulate who are not consular officers?**

A. Not usually, but you may if you wish (see the exception for Iranian nationals described immediately below). As noted above, "consular officers" are officials of a foreign government accredited by the Department of State and authorized to provide assistance on behalf of the foreign government to that government's citizens in another country. The VCCR contains no prohibition on visits by consular employees who are not consular officers, but who are approved by the consulate to conduct visits to detained foreign nationals. If the government authority responsible for the arrest or detention has no objection to allowing such persons to conduct visits, they may do so. The government authority should keep a record of the visit and verify that the person is indeed authorized by the consulate to conduct the visit. If the government authority does not wish to allow non-consular officers to conduct visits, it need not do so, as it has no obligation to allow consular access by such persons.

**Q. Do special rules apply if I detain an Iranian national?**

A. Yes. As an exception to the rule described immediately above, if you arrest or detain a national of Iran you must allow consular access by "properly notified" employees of the Iranian Interests Section of the Embassy of Pakistan in Washington, D.C. These individuals do not possess consular identification cards. When faced with a request from the Iranian Interests Section for consular access, you should contact the Department of State to verify that the employees proposed to conduct the visit have been properly notified to the Department in accordance with the protecting power arrangements between Department and the Embassy of Pakistan, and are thus authorized to conduct such visits. Pakistani consular officers may also conduct consular visits to Iranian nationals. If you detain a dual U.S.-Iranian national, see the question "What about dual nationals?" on page 14 of this manual.

**Q. Are consular officers entitled to visit whenever they want to?**

A. No. Law enforcement and corrections authorities may make reasonable regulations about the time, place, and manner of consular visits to detained foreign national, and consular officers may be required to visit during established visiting hours. In accordance with Article 36(2) of the VCCR, however, those regulations cannot be so restrictive that the purpose of consular assistance is defeated.

The Department urges law enforcement authorities to grant foreign consular officers liberal access to detained persons, and to provide the consular officer every courtesy and facility consistent with local laws and regulations. Liberal visiting privileges are particularly important when consular officers have to travel long distances to visit their nationals.

**Q. Do consular officers have to comply with prison security regulations?**

A. Yes. For example, consular officers may be prohibited from taking in prohibited items, such as recording devices; or from taking statements from the foreign national under oath, having the national sign a statement, or otherwise engaging in formal law enforcement activities. If the consular officer questions having to follow a particular security rule, you should tell him or her to address the question directly to the Department of State. Such questions may arise occasionally because, while not exempt from security regulations, under rules relating to the privileges and immunities of diplomatic and consular officers, consular officers conducting prison visits are entitled to be treated with respect.

**Q. Is a consular officer entitled to meet or converse privately with a detained foreign national?**

A. The United States has bilateral agreements with the following countries requiring you to allow the foreign consular officers to converse with their national in private:

*Antigua and Barbuda; Bahamas; Barbados; Belize; Brunei; Costa Rica; Cyprus; Dominica; Fiji; Gambia; Ghana; Grenada; Guyana; Ireland; Jamaica; Japan; Kiribati; Kuwait; Malaysia; Malta; Mauritius; Nigeria; Saint Kitts and Nevis; Saint Lucia; Saint Vincent and the Grenadines; Seychelles; Sierra Leone; Singapore; Tanzania; Tonga; Trinidad and Tobago; Tuvalu; United Kingdom; Zambia; and Zimbabwe.*

In cases of nationals of other countries, privacy is encouraged but not required. The VCCR and other bilateral agreements entitle consular officers to converse with their nationals, but they do not explicitly state that such conversations must be in private. The Department of State would normally expect the privacy of communications between consular officers and their nationals to be respected. The aim of consular access is for the consular officer to safeguard the interests of the foreign national by, for example, checking on the person's welfare, helping arrange legal representation, and conversing with the person about the conditions of detention. This aim is best accomplished when the consular officer and foreign national are free to meet in private and converse in an unrestricted manner. The monitoring of consular conversations may have a chilling effect on the foreign national's ability to communicate freely with the consular officer about issues that go to the core of consular assistance.

Nevertheless, the Department of State recognizes that in rare cases safety or security procedures at a detention facility may require that all communications with detainees be monitored, or the circumstances of a particular detainee may require that communications with him or her be monitored (e.g., the detainee is especially dangerous and may attack the consular officer). In general, you should be prepared to articulate specific safety or security concerns in cases where you believe you cannot provide a private meeting area to the consular officer and the detainee, or where you otherwise believe that monitoring the visit is essential. Where safety or security concerns are invoked, the measures taken to monitor the

visit must be tailored to address the articulated concerns, in order to enable full effect to be given to the purposes of consular visits to the greatest extent possible. In most cases where safety or security concerns are invoked, the presence of a security guard will be sufficient to allay the concerns. Where a decision is made to monitor the visit, whether in person or remotely, you should disclose to the detainee and to the consular officer that they will be monitored.

If a consular officer insists upon a private meeting but the detained national objects to meeting privately, you should seek guidance from the Department of State.

**Q. What is the role of a consular officer in a case involving the death of a foreign national?**

A. The VCCR authorizes consular officers to safeguard the interests of nationals of their country who have died in the United States, in accordance with applicable federal, state, and local laws and regulations. In addition, many bilateral agreements authorize consular officers to undertake specific activities related to the personal estates of deceased foreign nations, such as:

- ▶ Acting as provisional or temporary conservator of the property of the deceased citizen until an administrator is appointed.
- ▶ Acting as administrator of an estate of one of its nationals or of an estate in which one of its nationals may have an interest if no person having a superior right under the applicable local law is competent or willing to act.
- ▶ Representing the interests of its nationals in estate proceedings within the consular officer's jurisdiction.

Consular officers may also help identify the body of a deceased foreign national, notify next of kin, and help obtain and authenticate relevant documents. Notification of a death is particularly important because it allows foreign governments to cancel passports

and other travel documents so that they are not fraudulently reissued, or fraudulently appropriated and used by a third party.

**Q. Do I have to notify consular officers if a foreign national is seriously injured or ill?**

A. Although serious injuries and illnesses are not specifically covered in the VCCR, the Department of State encourages U.S. officials to consider notifying consular officers if a foreign national is in such a critical condition that contacting the consular officers would be in that person's best interest (e.g., if the foreign national is in a coma or is sent to the hospital with a life-threatening injury). If the foreign national is put into quarantine or involuntary medical confinement, under the VCCR the appropriate consular notification procedures must be followed. For more on this issue, see the question "If I have a foreign national who is hospitalized or quarantined, do I have to provide consular notification?" on page 18.

**Q. What is the role of a consular officer in a case involving the appointment of a guardian?**

A. Consular officers are in a unique position to assist courts and other competent authorities in determining what is in the best interests of a foreign national minor or incapacitated adult. Consular officers may be able to:

- ▶ Help locate family in the United States or in the foreign national's country of origin that may be authorized to act as the individual's guardian or be willing to take on that role.
- ▶ Facilitate communications between the foreign national and his or her family.
- ▶ Help point out cultural differences that may be relevant in determining the foreign national's best interests.
- ▶ Obtain and authenticate relevant documents, such as medical or school records, in the foreign national's country of origin.
- ▶ Arrange for legal representation for the foreign national.

Article 5(h) of the VCCR authorizes a consular officer to safeguard “within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons.” Yet Article 37(b) expressly recognizes that consular notification of guardianship procedures is not intended to interfere with such procedures; rather, notification is “without prejudice to the operation of the laws and regulations” concerning such appointments. Thus, the laws and regulations of the jurisdiction will determine whether, and in what manner, a consular officer may undertake particular activities on behalf of a foreign national in guardianship proceedings. In general, however, consular officers should be permitted to participate in guardianship proceedings if they so choose and should be permitted to present their views, either orally in writing, to the court or other competent authorities.

The actual services provided by a consular officer will vary in light of numerous factors, including the number of consulates and consular officers the foreign country has in the United States and available resources. As a result, you should not delay legal proceedings unless consular officers have expressed an interest in the case and the court or other competent authority determines that delaying the proceedings to permit consular officers an opportunity express their government’s views or to provide assistance is in the best interests of the foreign national.

**Q. Are consular officers entitled to receive copies of a foreign national’s medical records in cases involving the death of a foreign national or the possible appointment of a guardian for a minor or incapacitated foreign national?**

A. Be aware that federal or state privacy laws may impact whether you can provide consular officers with a deceased, minor, or incapacitated foreign national’s medical information. Should questions arise in this respect, contact the Department of State for guidance.

**Q. Is there a guiding principle I can follow with respect to consular access and dealing with consular officers?**

A. Yes: reciprocity. Always keep in mind that these are mutual obligations. In general, you should permit a consular officer to perform consular functions in the same way that you would want an American consular officer to do so in a similar situation in a foreign country.

### QUESTIONS ABOUT CONTACTING THE DEPARTMENT OF STATE

**Q. Do I need to notify the Department of State whenever I arrest or detain a foreign national?**

A. No. Your obligations are to notify the detainee’s consular officers if the foreign national so requests or if the national is from a “mandatory notification” (“list”) country. You do not need to inform the Department of State about the detention. In fact, the Department generally prefers that you not inform it (e.g., through courtesy copies or faxed notifications), since informing the Department often causes confusion about whether the foreign consulate has been informed properly and in a timely manner. On the other hand, it may be appropriate to inform the Department of unusual cases or anomalous situations not addressed in this manual, provided that you also simultaneously notify the detained individual and the appropriate foreign consulate when required to do so. If you have questions about any of the consular notification and access obligations or related matters addressed in this manual, the Department stands ready to provide information and advice.

**Q. How can I get answers to other questions?**

A. Additional inquiries may be directed to the Office of Policy Coordination and Public Affairs (CA/P), Bureau of Consular Affairs, U.S. Department of State, 2100 C St. NW, Room 4800, Washington, D.C., 20520; telephone: (202) 647-4415; fax: (202) 736-7559; email: [consnot@state.gov](mailto:consnot@state.gov). Urgent telephone inquiries after regular business hours (8 a.m. to 5 p.m. Eastern) may be directed to the Department's Operations Center at (202) 647-1512.

Further information on this topic, including updates and training resources, can be found on the Consular Notification and Access website: <http://travel.state.gov/consularnotification>. You may also follow the Department's Twitter feed, [@ConsularNotify](https://twitter.com/ConsularNotify).

PART FOUR: LEGAL MATERIAL

The materials in this section include:

- ▶ **Legal Overview**
- ▶ **Vienna Convention on Consular Relations**
- ▶ **Bilateral Agreements**
- ▶ **Components of Tables A through D**
- ▶ **Customary International Law**
- ▶ **Basis for Implementation**
- ▶ **Table A: Provisions from Bilateral Agreements Requiring Mandatory Notification**
- ▶ **Table B: Provisions from Bilateral Agreements Requiring Notification upon Request**
- ▶ **Table C: Consular Convention and Agreement Status of All Countries**
- ▶ **Table D: Countries with Bilateral Agreements Containing Provisions on Consular Notification and Access**

## LEGAL OVERVIEW

The following pages summarize and provide the basic legal authorities that pertain to consular notification and access. They include the key provisions of the VCCR and bilateral agreements providing for “mandatory notification,” as well as bilateral agreements providing for consular notification upon the detained foreign national’s request, and information concerning other treaties relevant to the provision of consular services.

A function of governments has long been to provide services to their nationals abroad. These “consular” services include certain legal services, such as notarizing documents or assisting with the estate of a national who dies abroad. They also include looking for missing nationals, determining whether nationals are safe, assisting in evacuating nationals from countries where their lives are in danger, and other similar “welfare and whereabouts” services. Another important consular service is the provision of assistance to nationals who are detained by a foreign government. Protecting such nationals may include attempting to ensure that they receive a fair and speedy trial with the benefit of counsel; visiting them in prison to ensure that they are receiving humane treatment; and facilitating communications with their families.

The performance of consular functions was originally a subject of customary international law but not uniformly addressed in any treaty. Eventually, efforts were made to codify in international treaties the rights of governments to provide consular services to their nationals. Such treaties might be called “treaties,” “conventions,” or “agreements,” but all generally enjoy the status of a treaty in international law, in that they legally bind the countries that become parties to them.

When the United States first began to conclude international agreements on consular relations with other countries, the usual vehicle was a type of bilateral treaty known as a treaty of “friendship, commerce, and navigation.” Later, bilateral conventions dealing exclusively with consular matters—typically referred to as “consular conventions”—became more common. The United States concluded bilateral consular conventions with many countries throughout the twentieth century, though with less frequency after it became a party to the Vienna Convention on Consular Relations (VCCR).<sup>13</sup> As a result of decolonization and the breakup of several countries following the end of the Cold War, a number of new countries succeeded to the bilateral treaty obligations already in force between the relevant predecessor country and the United States. These are discussed below in the section entitled “Bilateral Agreements.”

## VIENNA CONVENTION ON CONSULAR RELATIONS

On April 24, 1963, the multilateral VCCR was concluded and countries throughout the world began ratifying it.<sup>14</sup> The VCCR entered into force on March 19, 1967, and the United States ratified it on December 24, 1969. Today, most countries are parties to the VCCR, which to a large extent codified customary international law and thus represents the most basic principles pertaining to the performance of consular functions. The United States relies on the VCCR as the principal basis for the conduct of its consular activities, although most of the bilateral consular conventions and other agreements with consular provisions that the United States has concluded with other countries remain in force alongside the VCCR.

<sup>13</sup> Vienna Convention on Consular Relations, Apr. 24, 1963, 21 U.S.T. 77, 596 U.N.T.S. 261 (entered into force Mar. 19, 1967) (entered into force for the United States Dec. 24, 1969).

<sup>14</sup> Another multilateral consular convention is the Havana Convention Relating to the Duties, Rights, Prerogatives and Immunities of Consular Agents, Feb. 20, 1928, 2 Bevans 714, 155 L.N.T.S. 291, reprinted in 26 AM. J. INT’L L. SUPP. 378 (1932) (entered into force Sept. 3, 1929) (entered into force for the United States Feb. 8, 1932). Unlike the VCCR, this convention deals only with the privileges and immunities of consular officers. As of 2009, the parties to it were: Brazil, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Haiti, Mexico, Nicaragua, Panama, Peru, the United States, and Uruguay.

Because of its comprehensive nature and near-universal applicability, the VCCR now establishes the baseline for most obligations with respect to the treatment of foreign nationals in the United States, and for foreign governments' treatment of U.S. nationals abroad. More than 170 countries are now party to the VCCR, which leaves approximately 20 still outside the VCCR regime; as explained below, a smaller subset of these 20 also lacks a bilateral agreement with the United States dealing with consular matters.<sup>15</sup> The VCCR provides rules for the operation of consulates and for the duties of consular officers of the "sending" country (that is, the country that has sent the consular officer abroad) in the "receiving" country (that is, the country to which the consular officer has been sent). Much of the VCCR addresses "privileges and immunities" of consular officers; for example, consular officers may not be sued for official acts.

The VCCR also addresses the services consular officers may provide to nationals in the receiving country. Article 5, reproduced below, enumerates several of these. Two additional articles—Articles 36 and 37—address consular assistance to nationals, further underscoring the special importance the international community places on giving such assistance. Article 36(1)(a) states the fundamental rule that consular officers and their nationals may communicate with and have access to each other. To ensure the ability of a foreign national to communicate with his or her consular officers when he or she is in custody or some other form of detention, Article 36(1)(b) provides that the "competent authorities" of the receiving country (e.g., the police, prosecutor, or prison authorities) must inform the foreign national "without delay" that he or she may have his or her "consular post" notified of the arrest or detention without delay, and have any communications forwarded to the consular post without delay. If the foreign national "so requests," these authorities must notify the consular post and forward communications.

40 Article 36(1)(c), in turn, gives consular officers the right to visit their nationals in detention

in the receiving country, to converse and correspond with them, and to arrange for their legal representation. This article expressly bars consular officers from taking action on behalf of a foreign national that the foreign national opposes. Article 36(2) stipulates that foreign nationals and consular officers must carry out the activities outlined in Article 36(1) in conformity with the "laws and regulations" of the receiving country, but that those laws "must enable full effect to be given to the purposes for which the rights ... are intended."

Article 37 addresses consular functions in cases of death, major air and sea accidents, and where guardians are appointed for minors and others lacking legal competence. In each scenario, the "competent authorities" of the receiving country must notify the consular post of the affected foreign national or nationals. Article 37(b) expressly recognizes, however, that consular notification of guardianship procedures is not intended to interfere with such procedures. Rather, notification is "without prejudice to the operation of the laws and regulations" concerning such appointments.

The following is the full text of Articles 5, 36, and 37 of the VCCR:

#### **Article 5: Consular Functions**

Consular functions consist in:

- (a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- (b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;
- (c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the

receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;

(d) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;

(e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;

(f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;

(g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession *mortis causa* in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;

(h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;

(i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defense of their rights and interests;

(j) transmitting judicial and extra-judicial documents or executing letters rogatory or

commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;

(k) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;

(l) extending assistance to vessels and aircraft mentioned in sub-paragraph (k) of this Article and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorized by the laws and regulations of the sending State;

(m) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

**Article 36: Communication and Contact with Nationals of the Sending State**

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

(a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;

(b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this sub-paragraph;

(c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this Article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this Article are intended.

***Article 37: Information in Cases of Deaths, Guardianship or Trusteeship, Wrecks, and Air Accidents***

If the relevant information is available to the competent authorities of the receiving State, such authorities shall have the duty:

(a) in the case of the death of a national of the sending State, to inform without delay the consular post in whose district the death occurred;

(b) to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending State. The giving of this information shall, however, be without prejudice to the operation of the laws and regulations of the receiving State concerning such appointments;

(c) if a vessel, having the nationality of the sending State, is wrecked or runs aground in the territorial sea or internal waters of the receiving State, or if an aircraft registered in the sending State suffers an accident on the territory of the receiving State, to inform without delay the consular post nearest to the scene of the occurrence.

**BILATERAL AGREEMENTS**

Prior to its 1969 ratification of the VCCR, the United States entered into many bilateral treaties on the conduct of consular relations. Since that time, the United States has concluded a small number of additional bilateral consular agreements and memoranda of understanding on consular matters. Despite this occasional practice, the United States today adheres to a general policy of not entering into new bilateral agreements on consular matters, and instead urges universal ratification and application of the VCCR.

Today, bilateral consular conventions—as well as bilateral agreements on a variety of different subjects including consular relations—remain in

force between the United States and more than 120 countries. A comprehensive list of these agreements appears in Table C, beginning on page 55. Most of these countries, in turn, are also parties to the VCCR, as indicated in that table. For many countries, the United States has more than one bilateral agreement with consular provisions.

It is useful to divide the bilateral agreements into three categories. First, many of them—especially those from the nineteenth and early twentieth centuries—are silent on consular notification and access when a foreign national is arrested or detained, but nevertheless contain other important provisions relevant to the provision of consular assistance. These agreements should be consulted if particular questions arise as to the treatment of a foreign national of a particular country (e.g., with respect to the handling of deaths and estates of foreign nationals in the United States).<sup>16</sup>

Second, several bilateral agreements contain a provision requiring that consular officers be notified when one of their nationals is arrested or detained, but only upon the national's request, in terms similar to those of the VCCR.<sup>17</sup> The relevant text of these “upon request” provisions appears in Table B, on pages 53 through 54.<sup>18</sup>

Third, bilateral agreements between the United States and 57 other countries require that consular officers be notified of the arrest or detention of one of their nationals automatically, regardless of whether the national wants such notification to occur. While these are commonly called “mandatory notification agreements” and the countries that are party to them are called “mandatory notification,” “list,” or “special rule” countries, a better term would have been “automatic notification” countries, because if requested by the foreign national after being informed, notification to the consular officers is also mandatory under the VCCR and the “upon request” bilateral agreements described in the previous paragraph. A complete list of the “mandatory notification” countries, and the relevant text of their mandatory notification provisions, appears in Table A.

While the mandatory notification requirement pertains to 57 countries, it flows from just 14 bilateral agreements. This is because, in international practice relating to successor states, a treaty that applied to a country when it was part of or under the jurisdiction of another country may in some circumstances continue to apply to that country when it becomes independent.

<sup>16</sup> For example, bilateral agreements with Austria, Estonia, Finland, Germany, Greece, Honduras, Latvia, Norway, Sweden, and Thailand require, in certain circumstances, that consular officers be notified when one of their nationals dies in the United States. See footnotes 64, 71, 91, 92, 95, 96, 99, 106, 116, and 125 below. This is also an express requirement in most of the bilateral consular conventions listed in the third column of Table C.

<sup>17</sup> These are Belgium, Denmark, Eritrea, Ethiopia, France, Germany, Iran, Ireland, Israel, Japan, Netherlands, Luxembourg, Oman, Pakistan, Poland, South Korea, Suriname, Thailand, and Togo.

<sup>18</sup> The bilateral agreement with Poland uniquely establishes different rules for Polish lawful permanent residents in the United States, on one hand, and all other Polish nationals, on the other. Polish “green card” holders—that is, lawful permanent resident aliens—must be informed of their right to request consular notification, and Polish consular officers must be notified only if the green card holder requests it. The arrest or detention of any other Polish national must be reported to Polish consular officers automatically, regardless of whether the Polish national requests it. For the citation to the bilateral agreement, see footnote 42 on page 50. The bilateral agreements with Denmark and Israel require that the foreign national actually be accused of a crime to trigger consular notification requirements, though Denmark is a party to the VCCR and, regardless of whether the foreign national is charged with a specific crime, both countries are required by customary international law to give the foreign national consular information, notify the consulate upon request, and allow a consular visit. See page 46 for a discussion of customary international law and footnotes 50 and 56 on pages 53 and 54 for a citation to the Danish and Israeli agreements.

Thus, the 1973 bilateral agreement with Czechoslovakia today applies to two countries, the Czech Republic and Slovakia; the 1951 bilateral agreement with the United Kingdom now applies to the United Kingdom itself along with 31 former British colonies;<sup>19</sup> and the 1964 bilateral agreement with the Soviet Union now applies to 12 former Soviet republics.<sup>20</sup>

## COMPONENTS OF TABLES A THROUGH D

**Table A** lists the “mandatory notification” countries. **Table B** lists the countries with which the United States has a bilateral agreement requiring notification only “upon request.” As noted above, the VCCR’s duty to notify is triggered only when the national is “arrested or committed to prison or to custody pending trial or detained in any other matter,” and only if the national requests notification. By contrast, some of the bilateral agreements use different language to describe the event—arrest, detention, etc.—that triggers the duty to notify. Tables A and B reproduce the language from the bilateral agreements describing this “triggering event.”

Moreover, several of the “mandatory notification” agreements in Table A set an absolute time limit for mandatory notification, but also express a preference for notification within a shorter time such as “without delay” or “immediately.” For these agreements, the column in Table A labeled “Preferred Time Limit” lists the preferred time for providing notification, and the column labeled “Absolute Time Limit” lists the time within which notification must be provided.

Most of the agreements in Table A, and all of the agreements in Table B, have only one time limit—that is, the “absolute” time limit.

The full citation to each of these bilateral agreements, with dates of signature and entry into force, appears in the footnotes accompanying Tables A and B. Citations to “Bevans” are to the *Treaties and Other International Agreements of the United States of America, 1776–1949*, compiled under the direction of Charles I. Bevans. Citations to “U.S.T.” are to *United States Treaties and Other International Obligations*, which were calendar-year volumes published from 1950 to 1984. Citations to “T.I.A.S.” are to the *Treaties and Other International Acts Series*, issued by the Department of State; pre-1984 T.I.A.S. prints of treaties were also subsequently compiled in U.S.T. Citations to “S. Treaty Doc. No.” are to pamphlets printed by the U.S. Government Printing Office and issued by the United States Senate. Citations to “L.N.T.S.” are to the *League of Nations Treaty Series*; citations to “U.N.T.S.” are to the *United Nations Treaty Series*.

The large number of bilateral agreements and the many variations in their provisions makes it impossible to reproduce their text in this manual, beyond the provisions on consular notification that appear in Tables A and B. If issues arise as to provisions in the bilateral agreements that are not reproduced in this manual, the Department of State can assist in finding those provisions.

<sup>19</sup> The former colonies are Antigua and Barbuda, the Bahamas, Barbados, Belize, Brunei, Cyprus, Dominica, Fiji, Gambia, Ghana, Grenada, Guyana, Jamaica, Kiribati, Kuwait, Malaysia, Malta, Mauritius, Nigeria, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Singapore, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Zambia, and Zimbabwe. Current British dependencies also covered by the bilateral consular convention between the United States and the United Kingdom are Anguilla, the British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Residents of the Overseas Territories may be traveling on a passport issued by the territory with no indication that the territory is British. Moreover, certain residents of the former territories may have retained their British nationality upon independence alongside the nationality of the new country. For advice on how to ascertain whether an arrested or detained person is a British national, and therefore whether a British consulate must be notified of the arrest or detention, see the question “What about British nationals?” on page 24. For a citation to the U.S.-U.K. bilateral consular convention, see footnote 30 on page 47.

**44** <sup>20</sup> These are Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. Beyond the U.K., Czechoslovakia, and Soviet Union successors, 11 other countries are “mandatory notification” countries: Albania, Algeria, Bulgaria, China (including Hong Kong and Macao), Costa Rica, Hungary, Mongolia, Philippines, Poland (except with respect to detained Polish nationals who are lawful permanent resident aliens of the United States—i.e., “green card” holders), Romania, and Tunisia.

**Table C** indicates the consular agreement status of all countries in the world, along with certain other jurisdictions. The **second column** indicates the year the VCCR entered into force between a given country and the United States. For those countries that ratified or acceded to the VCCR prior to 1969, “1969” appears in the first column, as that was the year the United States ratified the VCCR. For those countries not yet party to the VCCR, no year appears in the first column. The **third column** of Table C lists the bilateral consular convention or conventions between the country and the United States—if any—as well as other bilateral agreements dealing wholly or almost wholly with consular matters, and agreements amending such conventions or agreements. Where such an agreement exists for a given country, the column shows the year it entered into force between that country and the United States. Citations in the footnotes show the year of signature and other relevant information. The **fourth column** of Table C indicates, where applicable, the year of entry into force of other, more general agreements that include consular provisions of current relevance, such as treaties of “friendship, commerce, and navigation” with some provisions setting forth consular functions. The second, third, and fourth columns of Table C are not a definitive record, however, and do not list all agreements relevant to the work of consular officers. Most common among the agreements not listed are those relating principally to passport and

visa matters; customs and entry privileges for consular officers; social security totalization; and international legal assistance.

The **fifth column** of Table C indicates, where applicable, the year a multilateral or bilateral prisoner transfer agreement entered into force between a given country and the United States. “COE” before the year indicates that the country is a party to the multilateral 1983 Council of Europe (Strasbourg) Convention on the Transfer of Sentenced Prisoners.<sup>21</sup> “OAS” indicates that the country is a party to the multilateral 1993 Organization of American States Inter-American Convention on Serving Criminal Sentences Abroad.<sup>22</sup> “B” indicates that a bilateral prisoner transfer agreement exists between the United States and that country. The **sixth column** of Table C indicates, where applicable, the year the 1980 Hague Convention on the Civil Aspects of International Child Abduction entered into force between a given country and the United States.<sup>23</sup>

Finally, **Table D** synthesizes certain information contained in Tables A, B, and C for quick reference. Additional information on the status of these and other treaties can be found in the State Department publication *Treaties in Force*, accessible from the website of the Office of the Assistant Legal Adviser for Treaty Affairs at the Department of State, <http://www.state.gov/s//treaty>.

<sup>21</sup> Convention on the Transfer of Sentenced Prisoners, Mar. 21, 1983, 35 U.S.T. 2867, 1496 U.N.T.S. 92 (entered into force July 1, 1985). The United States was a party to this convention when it entered into force.

<sup>22</sup> Inter-American Convention on Serving Criminal Sentences Abroad, June 9, 1993, S. Treaty Doc. No. 104-35 (entered into force Apr. 12, 1996) (entered into force for the United States June 24, 2001). For all countries that ratified this convention before 2001, the year listed in Table C is 2001—the year of the United States’ ratification.

<sup>23</sup> Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, T.I.A.S. No. 11,670, 1343 U.N.T.S. 89 (entered into force Dec. 1, 1983) (entered into force for the United States July 1, 1988). Articles 37 and 38 set forth the rules for determining whether the Hague Convention is in force as between a given country and another country. For updated data on which countries have accepted the accessions of other countries, see [http://www.minbuza.nl/en/Key\\_Topics/Treaties/Search\\_the\\_Treaty\\_Database?isn=000692#aanvaarding](http://www.minbuza.nl/en/Key_Topics/Treaties/Search_the_Treaty_Database?isn=000692#aanvaarding). An updated list specific to United States is at [http://travel.state.gov/family/abduction/hague\\_issues/hague\\_issues\\_1487.html](http://travel.state.gov/family/abduction/hague_issues/hague_issues_1487.html). As a result of this procedure, several countries have acceded to the Hague Convention, but because the United States has not accepted their accession, the Convention is not yet in force between the country and the United States. Table C accordingly does not list a year of entry into force with the United States for the following Hague Convention parties: Albania, Armenia, Belarus, Fiji, Georgia, Moldova, Nicaragua, Seychelles, Thailand, Trinidad and Tobago, Turkmenistan, and Uzbekistan.

## CUSTOMARY INTERNATIONAL LAW

While consular relations are now largely governed by the treaties discussed above, the United States still looks to customary international law as a basis for insisting upon adherence to consular notification and access requirements by a small number of countries not party to the VCCR or any bilateral agreement with a provision on consular notification and access.<sup>24</sup> The Department of State takes the view that consular notification and access upon request as set forth in the VCCR is a universally accepted, basic practice that should be followed even for nationals of countries not party to the VCCR or other applicable bilateral agreements. Following this procedure also is consistent with the practice of U.S. consular officers, who seek similar treatment for U.S. citizens abroad. Thus, in all cases not covered by a mandatory notification agreement, the minimum requirements are to inform an arrested or detained foreign national that his or her consular officers may be notified upon request; to notify these consular officers if the national requests; and to permit the consular officers to provide consular assistance if they wish to do so.

Even these customary international law requirements will not apply to the arrest of a foreign national if the United States and the foreign national's government have not made arrangements for the conduct of consular relations or, in the absence of such relations, for the performance of consular functions through other mechanisms, such as "protecting powers"—that is, third countries that have agreed to perform consular functions on behalf of the United States and the country with which it does not have consular relations. It could nevertheless be appropriate in such situations to inform the foreign national's government of an arrest or detention as a matter of courtesy. Should such a case arise, you should contact the Department of State for guidance.

## BASIS FOR IMPLEMENTATION

Although the obligations of consular notification and access are not codified in any federal statute, they are binding on states and local governments as well as the federal government, by virtue of international law and the Supremacy Clause in Article VI of the United States Constitution, which provides that "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." See also, e.g., *Kolovrat v. Oregon*, 366 U.S. 187, 190 (1961). Therefore, implementing legislation is not necessary, and the VCCR and bilateral agreements can be implemented by executive, law enforcement, and judicial authorities through their existing powers. It is nevertheless open to government entities to adopt laws or regulations for the purpose of implementing these obligations. For example, California and Oregon have adopted implementing legislation,<sup>25</sup> and both the U.S. Department of Justice (28 C.F.R. § 50.5) and the U.S. Department of Homeland Security (8 C.F.R. § 236.1(e)) have adopted implementing regulations.

In addition, implementation can be undertaken directly on the basis of the relevant treaties and written guidance such as this manual, and through issuance of internal directives, orders, or similar instructions by appropriate federal, state, and local officials to their subordinates. For example, many police departments incorporate instructions on consular notification into their local manuals. The Wisconsin Department of Justice also has issued guidelines.<sup>26</sup>

The Department of State encourages local law enforcement entities to develop practical guidance based on the instructions in this manual or to adapt the "basic instructions" at the front of this manual for general distribution to law enforcement officers in the field. The Department of State has created a model standard operating procedure (SOP) for law enforcement agencies to use as a template. This SOP appears on pages 102 through 107.

<sup>24</sup> These are Afghanistan, Burundi, Central African Republic, Chad, Comoros, Congo (Brazzaville), Côte d'Ivoire, Guinea-Bissau, Nauru, Palau, San Marino, Swaziland, Taiwan, and Uganda. On this question as concerns Israel, see footnote 18 on page 43.

<sup>25</sup> See CAL. PENAL CODE § 834c (1999); OR. REV. STAT. §§ 181.642(2), 426.228(9)(a) (2007).

<sup>26</sup> See WISCONSIN DEP'T OF JUSTICE, GUIDE FOR LAW ENFORCEMENT CONTACTS WITH FOREIGN NATIONALS, (Jan. 2008), at 4–6, available at [http://www.doj.state.wi.us/news/files/LEGuide\\_ContactForeignNationals.pdf](http://www.doj.state.wi.us/news/files/LEGuide_ContactForeignNationals.pdf).

TABLE A: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING MANDATORY NOTIFICATION

COUNTRY/JURISDICTION	TRIGGERING EVENT	PREFERRED TIME LIMIT	ABSOLUTE TIME LIMIT
Albania <sup>27</sup>	Arrested or detained in any manner	--	72 hours <sup>28</sup>
Algeria <sup>29</sup>	Any measure taken to deprive person of liberty	--	Without delay
Antigua and Barbuda <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Armenia <sup>31</sup>	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Azerbaijan <sup>31</sup>	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Bahamas <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Barbados <sup>30,32</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Belarus <sup>31</sup>	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication

<sup>27</sup> Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Socialist Republic of Albania Concerning the Re-Establishment of Diplomatic Relations, Mar. 15, 1991, art. 1(5), T.I.A.S. No. 12428 (effective Mar. 15, 1991).

<sup>28</sup> According to the bilateral agreement, the competent authorities shall notify the consular officers within 72 hours and permit access by a consular officer to the person within 24 hours of such notification.

<sup>29</sup> Consular Convention Between the Government of the United States of America and the Government of the Democratic and Popular Republic of Algeria, Jan. 12, 1989, art. 33(1), S. Treaty Doc. No. 101-13 (entered into force July 30, 1997).

<sup>30</sup> Convention, with Protocol of Signature, Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, June 6, 1951, art. 16(1), 3 U.S.T. 3426, 165 U.N.T.S. 121 (entered into force Sept. 7, 1952).

<sup>31</sup> Consular Convention Between the United States of America and the Union of Soviet Socialist Republics, June 1, 1964, art. 12(2) & Protocol ¶ 1, 19 U.S.T. 5018, 655 U.N.T.S. 213 (entered into force July 13, 1968).

<sup>32</sup> Agreement Continuing in Force Between the United States and Barbados the Consular Convention of June 6, 1951 Between the United States and the United Kingdom, Sept. 14, 1972 & May 10, 1973, 24 U.S.T. 1803 (effective May 10, 1973).

TABLE A: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING MANDATORY NOTIFICATION

COUNTRY/JURISDICTION	TRIGGERING EVENT	PREFERRED TIME LIMIT	ABSOLUTE TIME LIMIT
Belize <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Brunei <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Bulgaria <sup>33</sup>	Any form of deprivation or limitation of personal freedom	Immediately	Three calendar days
China (including Hong Kong and Macao) <sup>34</sup>	Arrested or placed under any form of detention	Immediately	Four days <sup>35</sup>
Costa Rica <sup>36</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Cyprus <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Czech Republic <sup>37</sup>	Any form of deprivation or limitation of personal freedom	Without delay	Three calendar days
Dominica <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately

<sup>33</sup> Consular Convention, with Agreed Memorandum and Exchange of Letters, Between the United States of America and the People's Republic of Bulgaria, Apr. 15, 1974, art. 38(2), 26 U.S.T. 687 (entered into force May 29, 1975).

<sup>34</sup> Consular Convention, with Exchange of Notes, Between the United States of America and the People's Republic of China, Sept. 17, 1980, and Modifying Agreement Effected by Exchange of Notes, Jan. 17, 1981, art. 35(2), 33 U.S.T. 2973, 3048 (entered into force Feb. 19, 1982); Agreement Between the Government of the United States of America and the Government of the People's Republic of China Regarding the Maintenance of the U.S. Consulate General in the Hong Kong Special Administrative Region, Mar. 25, 1997, art. 3(f)(2), T.I.A.S. No. 12,845 (effective July 1, 1997) (same consular notification and access language applies to Hong Kong and Macao). Mandatory notification procedures are not applicable to persons carrying "Republic of China" passports issued by Taiwan; see footnote 128 on page 66.

<sup>35</sup> According to the bilateral consular convention, if notification within four days is impossible due to communications difficulties, the competent authorities should provide notification as soon as possible.

<sup>36</sup> Consular Convention Between the United States of America and the Republic of Costa Rica, Jan. 12, 1948, art. 7(2)(b), 1 U.S.T. 247, 70 U.N.T.S. 27 (entered into force Mar. 19, 1950).

<sup>37</sup> Consular Convention Between the United States of America and the Czechoslovak Socialist Republic, July 9, 1973, art. 36(1), T.I.A.S. No. 11,083 (entered into force Nov. 6, 1987).

**TABLE A: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING MANDATORY NOTIFICATION**

COUNTRY/JURISDICTION	TRIGGERING EVENT	PREFERRED TIME LIMIT	ABSOLUTE TIME LIMIT
Fiji <sup>30,38</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Gambia <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Georgia <sup>31</sup>	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Ghana <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Grenada <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Guyana <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Hungary <sup>39</sup>	Detention pending trial or any other deprivation of personal liberty	Without delay	Three days
Jamaica <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Kazakhstan <sup>31</sup>	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Kiribati <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Kuwait <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately

<sup>38</sup> Agreement on Continued Application of the United States–United Kingdom Convention of June 6, 1951, Oct. 16 & Dec. 12, 1972, 23 U.S.T. 3770 (effective Dec. 12, 1972).

<sup>39</sup> Consular Convention Between the United States of America and the Hungarian People’s Republic, July 7, 1972, art. 41(1), 24 U.S.T. 1141 (entered into force July 6, 1973).

**TABLE A: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING MANDATORY NOTIFICATION**

COUNTRY/JURISDICTION	TRIGGERING EVENT	PREFERRED TIME LIMIT	ABSOLUTE TIME LIMIT
Kyrgyzstan <sup>31</sup>	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Malaysia <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Malta <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Mauritius <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Moldova <sup>31</sup>	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Mongolia <sup>40</sup>	Any form of limitation of personal freedom	Without delay	72 hours
Nigeria <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Philippines <sup>41</sup>	Detained, arrested, in prison, or awaiting trial	--	Immediately
Poland <sup>42</sup>	Polish non-permanent resident in United States detained or arrested <sup>43</sup>	--	Immediately

<sup>40</sup> Consular Convention with the Mongolian People's Republic, Aug. 2, 1990, art. 37(1), S. Treaty Doc. 102-14 (entered into force Apr. 5, 2007).

<sup>41</sup> Consular Convention Between the United States of America and the Republic of the Philippines, Mar. 14, 1947, art. 7(2), T.I.A.S. No. 1741, 11 Bevans 74, 45 U.N.T.S. 23 (entered into force Nov. 18, 1948).

<sup>42</sup> Consular Convention Between the Government of the United States of America and the Government of the Polish People's Republic, May 31, 1972, art. 29(2), 24 U.S.T. 1231 (entered into force July 6, 1973).

<sup>43</sup> The bilateral consular convention provides a different rule for Polish lawful permanent residents (i.e., holders of "green cards"): consular notification need only be provided if the person requests it. For more on the special rules applicable to detained Polish nationals, see footnote 18 on page 43.

TABLE A: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING MANDATORY NOTIFICATION

COUNTRY/JURISDICTION	TRIGGERING EVENT	PREFERRED TIME LIMIT	ABSOLUTE TIME LIMIT
Romania <sup>44</sup>	Any form of deprivation or limitation of personal freedom	Without delay	Two days
Russia <sup>31</sup>	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
St. Kitts and Nevis <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
St. Lucia <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
St. Vincent and the Grenadines <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Seychelles <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Sierra Leone <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Singapore <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Slovakia <sup>37</sup>	Any form of deprivation or limitation of personal freedom	Without delay	Three calendar days
Tajikistan <sup>31</sup>	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Tanzania <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately

<sup>44</sup> Consular Convention Between the United States of America and the Socialist Republic of Romania, with Protocol, July 5, 1972, art. 22(1), 24 U.S.T. 1317 (entered into force July 6, 1973).

TABLE A: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING MANDATORY NOTIFICATION

COUNTRY/JURISDICTION	TRIGGERING EVENT	PREFERRED TIME LIMIT	ABSOLUTE TIME LIMIT
Tonga <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Trinidad and Tobago <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Tunisia <sup>45</sup>	Arrest or any form of restriction on personal freedom	--	Three days <sup>46</sup>
Turkmenistan <sup>31</sup>	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Tuvalu <sup>30,47</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Ukraine <sup>31</sup>	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
United Kingdom <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Uzbekistan <sup>31</sup>	Arrest or other form of detention	Immediately	Within one to three days from time of arrest or detention, depending on conditions of communication
Zambia <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately
Zimbabwe <sup>30</sup>	Confined in prison awaiting trial or otherwise detained in custody	--	Immediately

<sup>45</sup> Consular Convention Between the United States of America and the Republic of Tunisia, May 12, 1988, art. 39(1), S. Treaty Doc. No. 101-12 (entered into force Jan. 15, 1994).

<sup>46</sup> According to the bilateral consular convention, if notification within three days is impossible due to communications or other difficulties, notification shall be made as soon as possible thereafter.

<sup>47</sup> Agreement on Continued Application to Tuvalu of Certain Treaties Concluded Between the United States and the United Kingdom, 32 U.S.T. 1310, 1222 U.N.T.S. 293 (effective Apr. 25, 1980).

TABLE B: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING NOTIFICATION UPON REQUEST

COUNTRY/JURISDICTION	TRIGGERING EVENT	TIME LIMIT
Belgium <sup>48,49</sup>	Taken into custody	Immediately
Denmark <sup>50</sup>	Accused of a crime and taken into custody	Immediately
Eritrea <sup>51</sup>	In custody	Immediately
Ethiopia <sup>51</sup>	In custody	Immediately
France <sup>52</sup>	Arrest and detention	Immediately
Germany <sup>53</sup>	Taken into custody	Immediately
Iran <sup>54</sup>	In custody	Without unnecessary delay
Ireland <sup>55</sup>	Confined in prison, awaiting trial, or otherwise detained in custody	Immediately

<sup>48</sup> Consular Convention, with Exchange of Notes, Between the United States of America and Belgium, Sept. 2, 1969, art. 25(2), 25 U.S.T. 41 (entered into force Jan. 5, 1974).

<sup>49</sup> Treaty of Friendship, Establishment and Navigation Between the United States of America and the Kingdom of Belgium, Feb. 21, 1961, art. 1(4), 14 U.S.T. 1284, 480 U.N.T.S. 149 (entered into force Oct. 3, 1963).

<sup>50</sup> Treaty of Friendship, Commerce and Navigation Between the United States of America and the Kingdom of Denmark, Oct. 1, 1951, art. 3(2), 12 U.S.T. 908, 421 U.N.T.S. 105 (entered into force July 30, 1961).

<sup>51</sup> Treaty of Amity and Economic Relations Between the United States of America and Ethiopia, Sept. 7, 1951, art. 6(2), 4 U.S.T. 2134, 206 U.N.T.S. 41 (entered into force Oct. 8, 1953).

<sup>52</sup> Consular Convention Between the United States of America and France, July 18, 1966, art. 34(1), 18 U.S.T. 2939, 700 U.N.T.S. 257 (entered into force Jan. 7, 1968). See also Convention of Establishment Between the United States of America and France, Nov. 25, 1959, Protocol ¶1(a), 11 U.S.T. 2398, 401 U.N.T.S. 75 (entered into force Dec. 21, 1960) (similarly providing for consular notification upon request).

<sup>53</sup> Treaty of Friendship, Commerce and Navigation Between the United States of America and the Federal Republic of Germany, Oct. 29, 1954, art. 3(2), 7 U.S.T. 1839, 273 U.N.T.S. 3 (entered into force July 14, 1956).

<sup>54</sup> Treaty of Amity, Economic Relations, and Consular Rights Between the United States of America and Iran, Aug. 15, 1955, art. 2(4), 8 U.S.T. 899, 284 U.N.T.S. 93 (entered into force June 16, 1957).

<sup>55</sup> Consular Convention Between the United States of America and Ireland, May 1, 1950, art. 16(1), 5 U.S.T. 949, 222 U.N.T.S. 107 (entered into force June 12, 1954), as amended by Protocol Supplementary to the Consular Convention Between the United States of America and Ireland, Mar. 3, 1952, 5 U.S.T. 949, 222 U.N.T.S. 107 (entered into force June 12, 1954). Special consular notification and access requirements apply to detained Irish nationals under this convention; see footnote 7 on page 25. An earlier bilateral agreement that remains in force with Ireland similarly provides for consular notification upon demand of a foreign national accused of a crime taken into custody; see footnote 100 on page 61.

TABLE B: PROVISIONS FROM BILATERAL AGREEMENTS REQUIRING NOTIFICATION UPON REQUEST

COUNTRY/JURISDICTION	TRIGGERING EVENT	TIME LIMIT
Israel <sup>56</sup>	Accused of a crime and taken into custody	Immediately
Japan <sup>57</sup>	Confined in prison awaiting trial or otherwise detained	Immediately
Korea, South <sup>58</sup>	Under arrest or otherwise detained in custody	Immediately
Luxembourg <sup>59</sup>	Taken into custody	Immediately
Netherlands <sup>60</sup>	Taken into custody	Immediately
Oman <sup>61</sup>	In custody	As soon as possible
Pakistan <sup>62</sup>	Taken into custody	Immediately
Poland <sup>62</sup>	Polish lawful permanent resident (i.e., "green card" holder) in U.S. detained or arrested	Immediately
Suriname <sup>60</sup>	Taken into custody	Immediately
Thailand <sup>64</sup>	In custody	Immediately
Togo <sup>65</sup>	In custody	Immediately

<sup>56</sup> Treaty of Friendship, Commerce and Navigation Between the United States of America and Israel, with Protocol, Aug. 23, 1951, art 3(2), 5 U.S.T. 550, 219 U.N.T.S. 237 (entered into force Apr. 3, 1954).

<sup>57</sup> Consular Convention Between the United States of America and Japan, with Protocol, Mar. 22, 1963, art. 16(1), 15 U.S.T. 768, 518 U.N.T.S. 179 (entered into force Aug. 1, 1964).

<sup>58</sup> Consular Convention Between the United States of America and the Republic of Korea, Jan. 8, 1963, art. 5(2), 14 U.S.T. 1637, 493 U.N.T.S. 105 (entered into force Dec. 19, 1963). An earlier bilateral agreement that remains in force with South Korea also provides for consular notification upon demand of a foreign national taken into custody. See footnote 104 on page 61.

<sup>59</sup> Treaty of Friendship, Establishment and Navigation Between the United States of America and the Grand Duchy of Luxembourg, with Protocol, Feb. 23, 1962, art. 3(4), 14 U.S.T. 251, 474 U.N.T.S. 3 (entered into force Mar. 28, 1963).

<sup>60</sup> Treaty of Friendship, Commerce and Navigation Between the United States of America and the Kingdom of the Netherlands, with Protocol, Mar. 27, 1956, art. 3(2), 8 U.S.T. 2043, 285 U.N.T.S. 231 (entered into force Dec. 5, 1957) (entered into force for former Dutch colony of Suriname Feb. 10, 1963).

<sup>61</sup> Treaty of Amity, Economic Relations and Consular Rights Between the President of the United States of America and the Sultan of Muscat and Oman and Dependencies, with Protocol, Dec. 20, 1958, art. 2(2), 11 U.S.T. 1835, 380 U.N.T.S. 181 (entered into force June 11, 1960).

<sup>62</sup> Treaty of Friendship and Commerce Between the United States of America and Pakistan, Nov. 12, 1959, art. 3(2), 12 U.S.T. 110, 404 U.N.T.S. 259 (entered into force Feb. 12, 1961).

<sup>63</sup> The bilateral agreement provides a different rule for Polish nationals who are not lawful permanent residents: consular notification must be provided regardless of whether the national requests it. For more on the special rules applicable to detained Polish nationals, see footnote 18 on page 43.

<sup>64</sup> Treaty of Amity and Economic Relations Between the United States of America and the Kingdom of Thailand, May 29, 1966, art. 1(2), 19 U.S.T. 5843, 652 U.N.T.S. 253 (entered into force June 8, 1968).

<sup>65</sup> Treaty of Amity and Economic Relations Between the United States of America and the Togolese Republic, Feb. 8, 1966, art. 2(1), 18 U.S.T. 1, 680 U.N.T.S. 159 (entered into force Feb. 5, 1967).

TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S. <sup>66</sup>	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Afghanistan	--	--	1936 <sup>67</sup>	--	--
Albania	1991	--	1991 <sup>27</sup>	COE 2000	--
Algeria	1969	1997 <sup>29</sup>	--	--	--
Andorra	1996	--	--	COE 2000	--
Angola	1990	--	--	--	--
Antigua and Barbuda	1988	1952 <sup>30</sup>	--	--	--
Argentina	1969	--	1854 <sup>68</sup>	--	1991
Armenia	1993	1968 <sup>31</sup>	1933 <sup>69</sup>	COE 2001	--
Australia	1973	--	1815 <sup>70</sup>	COE 2003	1988
Austria	1969	--	1931 <sup>71</sup>	COE 1987	1988
Azerbaijan	1992	1968 <sup>31</sup>	1933 <sup>69</sup>	COE 2001	--
Bahamas	1977	1952 <sup>30</sup>	--	COE 1992	1994

<sup>66</sup> As previously noted, "COE" before the year in this column indicates that the country is a party to the multilateral 1983 Council of Europe (Strasbourg) Convention on the Transfer of Sentenced Prisoners. "OAS" indicates that the country is a party to the multilateral 1993 Organization of American States Inter American Convention on Serving Criminal Sentences Abroad.

<sup>67</sup> Friendship and Diplomatic and Consular Representation: Provisional Agreement Between the United States of America and the Kingdom of Afghanistan, Mar. 26, 1936, 5 Bevans 1, 168 L.N.T.S. 143 (effective Mar. 26, 1936).

<sup>68</sup> Treaty of Friendship, Commerce and Navigation, Between the United States and the Argentine Confederation, July 27, 1853, 5 Bevans 61 (entered into force Dec. 20, 1854).

<sup>69</sup> Arrangements Between the United States of America and the Union of Soviet Socialist Republics Relating to the Establishment of Diplomatic Relations, Nonintervention, Freedom of Conscience and Religious Liberty, Legal Protection and Claims, Nov. 16, 1933, 11 Bevans 1248 (effective Nov. 16, 1933).

<sup>70</sup> Convention to Regulate the Commerce Between the Territories of the United States and of His Britannick Majesty, July 3, 1815, Art. 4, 12 Bevans 49 (entered into force July 3, 1815).

<sup>71</sup> Treaty of Friendship, Commerce and Consular Rights Between the United States of America and the Republic of Austria, June 19, 1928, 5 Bevans 341, 118 L.N.T.S. 241 (entered into force May 27, 1931).

**TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES**

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S. <sup>66</sup>	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Bahrain	1992	--	--	--	--
Bangladesh	1978	--	--	--	--
Barbados	1992	1952 <sup>30,32</sup>	--	--	--
Belarus	1989	1968 <sup>31</sup>	1933 <sup>69</sup>	--	--
Belgium	1970	1974 <sup>48</sup>	1963 <sup>49</sup>	COE 1990	1999
Belize	2000	1952 <sup>30</sup>	--	OAS 2005	1989
Benin	1979	--	--	--	--
Bhutan	1981	--	--	--	--
Bolivia	1970	--	1862 <sup>72</sup>	COE 2004 B 1978 <sup>73</sup>	--
Bosnia and Herzegovina	1993	1882 <sup>74</sup>	1882 <sup>75</sup>	COE 2005	1991
Botswana	2008	--	--	--	--
Brazil	1969	--	1829 <sup>76</sup>	OAS 2001	2003
Brunei	--	1952 <sup>30</sup>	1853 <sup>77</sup>	--	--
Bulgaria	1989	1975 <sup>33</sup>	--	COE 1994	2005
Burkina Faso	1969	--	--	--	1992
Burma (Myanmar)	1997	--	1815 <sup>70</sup>	--	--

<sup>72</sup> Treaty of Peace, Friendship, Commerce, and Navigation Between the United States of America and the Republic of Bolivia, May 13, 1858, 5 Bevans 721 (entered into force Nov. 9, 1862).

<sup>73</sup> Treaty Between the United States of America and the Republic of Bolivia on the Execution of Penal Sentences, Feb. 10, 1978, 30 U.S.T. 796, 1150 U.N.T.S. 11 (entered into force Aug. 17, 1978).

<sup>74</sup> Convention Between the United States of America and His Highness the Prince of Serbia, Defining the Rights, Immunities and Privileges of Consular Officers, Oct. 2 & 14, 1881, 12 Bevans 1233 (entered into force Nov. 15, 1882).

<sup>75</sup> Treaty of Commerce Between the United States of America and Serbia, Oct. 2 & 14, 1881, 12 Bevans 1227 (entered into force Nov. 15, 1882).

<sup>76</sup> Treaty of Peace, Friendship, Commerce, and Navigation, Dec. 12, 1828, 5 Bevans 792 (entered into force Mar. 18, 1829).

<sup>77</sup> Treaty of Peace, Friendship, Commerce, and Navigation, June 23, 1850, 5 Bevans 1080 (entered into force July 11, 1853).

**TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES**

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S. <sup>66</sup>	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Burundi	--	--	--	--	--
Cambodia	2006	--	--	--	--
Cameroon	1969	--	--	--	--
Canada	1974	1935 <sup>78</sup>	1815 <sup>70</sup>	COE 1985 OAS 2001 B 1978 <sup>79</sup>	1988
Cape Verde	1979	--	--	--	--
Central African Republic	--	--	--	--	--
Chad	--	--	--	--	--
Chile	1969	1952 <sup>80</sup>	1834 <sup>81</sup>	COE 1998 OAS 2001	1994
China	1979	1979 <sup>82</sup> 1982 <sup>34</sup>	--	B 1999 (Hong Kong) <sup>83</sup>	1997 (Hong Kong) 1999 (Macao) <sup>84</sup>
Colombia	1972	1851 <sup>85</sup>	1848 <sup>86</sup>	--	1996

<sup>78</sup> Arrangement Relating to Visits of Consular Officers to Citizens of Their Own Country Serving Sentences in Penal Institutions, Sept. 19, 1935, 6 Bevans 65 (effective Sept. 19, 1935).

<sup>79</sup> Treaty Between the United States of America and Canada on the Execution of Penal Sentences, Mar. 2, 1977, 30 U.S.T. 6263 (entered into force July 19, 1978).

<sup>80</sup> Reciprocal Agreement Relating to Free Importation Privileges for Consular Officers, Mar. 12, Apr. 16, & May 12, 1952, 3 U.S.T. 4293 (effective May 12, 1952).

<sup>81</sup> General Convention of Peace, Amity, Commerce, and Navigation Between the United States of America and the Republic of Chile, May 16, 1832 & Sept. 1, 1833, 6 Bevans 518 (entered into force Apr. 29, 1934).

<sup>82</sup> Agreement Between the Government of the United States of America and the Government of the People's Republic of China on the Mutual Establishment of Consular Relations and the Opening of Consulates General, Jan. 31, 1979, 30 U.S.T. 17 (effective Jan. 31, 1979). For other U.S.–China agreements on the opening of consulates general and the enlargement of consular districts, consult the Department of State publication *Treaties in Force* at <http://www.state.gov/s/l/treaty/>.

<sup>83</sup> Agreement Between the Government of the United States of America and the Government of Hong Kong for the Transfer of Sentenced Persons, Apr. 15, 1997, S. Treaty Doc. No. 105-7 (entered into force Apr. 18, 1999).

<sup>84</sup> The Convention on the Civil Aspects of International Child Abduction, cited in footnote 23, is in force between the United States and Hong Kong, and between the United States and Macao, but not between the United States and the remainder of China.

<sup>85</sup> Consular Convention Between the Republic of New Granada and the United States of America, May 4, 1850, 6 Bevans 882 (entered into force Oct. 30, 1851).

**TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES**

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S. <sup>66</sup>	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Comoros	--	--	--	--	--
Congo (Brazzaville)	--	--	--	--	--
Congo, Democratic Republic of (Kinshasa)	1976	--	--	--	--
Costa Rica	1969	1950 <sup>36</sup>	1852 <sup>87</sup>	COE 1998 OAS 2001	2008
Côte d'Ivoire (Ivory Coast)	--	--	--	--	--
Croatia	1992	1882 <sup>74</sup>	1882 <sup>75</sup>	COE 1995	1991
Cuba	1969	1926 <sup>88</sup>	--	--	--
Cyprus	1976	1952 <sup>30</sup>	--	COE 1986	1995
Czech Republic	1993	1987 <sup>37</sup>	--	COE 1993	1998
Denmark	1972	--	1826 <sup>89</sup> 1961 <sup>50</sup>	COE 1987	1991
Djibouti	1978	--	--	--	--
Dominica	1987	1952 <sup>30</sup>	--	--	--
Dominican Republic	1969	--	--	--	2007
Ecuador	1969	--	1842 <sup>90</sup>	COE 2005 OAS 2006	1992

<sup>86</sup> General Treaty of Peace, Amity, Navigation and Commerce Between the United States of America and the Republic of New Granada, Dec. 12, 1846, 6 Bevans 868 (entered into force June 10, 1848).

<sup>87</sup> Treaty of Friendship, Commerce and Navigation Between the United States of America and the Republic of Costa Rica [sic], July 10, 1851, 6 Bevans 1013 (entered into force May 26, 1852).

<sup>88</sup> Consular Convention Between the United States of America and the Republic of Cuba, Apr. 22, 1926, 6 Bevans 1149, 60 L.N.T.S. 371 (entered into force Dec. 1, 1926).

<sup>89</sup> General Convention on Friendship, Commerce and Navigation, Between the United States of America and H. M. the King of Denmark, Apr. 26, 1826, 7 Bevans 1 (entered into force Aug. 10, 1826).

<sup>90</sup> Treaty of Peace, Friendship, Navigation and Commerce, Between the United States of America and the Republic of Ecuador, June 13, 1839, 7 Bevans 296 (entered into force Apr. 9, 1842).

**TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES**

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S. <sup>66</sup>	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Egypt	1969	--	--	--	--
El Salvador	1973	--	--	OAS 2007	2007
Equatorial Guinea	1976	--	--	--	--
Eritrea	1997	--	1953 <sup>51</sup>	--	--
Estonia	1991	--	1926 <sup>91</sup>	COE 1997	2007
Ethiopia	--	--	1953 <sup>51</sup>	--	--
Fiji	1972	1952 <sup>30,38</sup>	--	--	--
Finland	1980	--	1934 <sup>92</sup>	COE 1987	1994
France	1970	1968 <sup>52</sup>	1823 <sup>93</sup> 1960 <sup>52</sup>	COE 1985 B 1985 <sup>94</sup>	1988
Gabon	1969	--	--	--	--
Gambia	--	1952 <sup>30</sup>	--	--	--
Georgia	1993	1968 <sup>31</sup>	1933 <sup>69</sup>	COE 1998	--

<sup>91</sup> Treaty of Friendship, Commerce and Consular Rights Between the United States of America and the Republic of Estonia, Dec. 23, 1925, 7 Bevans 620, 50 L.N.T.S. 13 (entered into force May 22, 1926).

<sup>92</sup> Treaty of Friendship, Commerce and Consular Rights Between the United States of America and the Republic of Finland, Feb. 13, 1934, 7 Bevans 718, 152 L.N.T.S. 45 (entered into force Aug. 10, 1934), as amended by Protocol Between the United States of America and Finland Modifying Treaty of February 13, 1934, Dec. 4, 1952, 4 U.S.T. 2047, 205 U.N.T.S. 149 (entered into force Sept. 24, 1953), as supplemented by Protocol Between the Government of the United States of America and the Government of the Republic of Finland to the Treaty of Friendship, Commerce and Consular Rights of February 13, 1934, July 1, 1991, S. Treaty Doc. No. 102-34 (entered into force Dec. 1, 1992).

<sup>93</sup> Convention on Navigation and Commerce Between the United States of America and His Majesty the King of France and Navarre, June 24, 1822, 7 Bevans 822 (entered into force February 12, 1823) (extended to Madagascar in 1896), as amended by Agreement Modifying the Provisions of Article VII of the Convention of Navigation and Commerce of June 24, 1822, July 17, 1919, 7 Bevans 899 (entered into force Jan. 10, 1921).

<sup>94</sup> Convention Between the United States of America and the Republic of France on the Transfer of Sentenced Persons, Jan. 25, 1983, 35 U.S.T. 2847 (entered into force Feb. 1, 1985).

**TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES**

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Germany	1971	--	1925 <sup>95</sup> 1956 <sup>53</sup>	COE 1992	1990
Ghana	1969	1952 <sup>30</sup>	--	--	--
Greece	1975	1903 <sup>96</sup>	1954 <sup>97</sup>	COE 1988	1993
Grenada	1992	1952 <sup>30</sup>	--	--	--
Guatemala	1973	--	1852 <sup>98</sup>	OAS 2005	2008
Guinea	1988	--	--	--	--
Guinea-Bissau	--	--	--	--	--
Guyana	1973	1952 <sup>30</sup>	--	--	--
Haiti	1978	--	--	--	--
Holy See	1970	--	--	--	--
Honduras	1969	--	1928 <sup>99</sup>	COE 2009	1994
Hungary	1987	1973 <sup>39</sup>	--	COE 1993	1988
Iceland	1978	--	--	COE 1993	1996
India	1977	--	1815 <sup>70</sup>	--	--
Indonesia	1982	--	--	--	--

<sup>95</sup> Treaty of Friendship, Commerce and Consular Rights Between the United States of America and Germany, Dec. 8, 1923, 8 Bevens 153, 52 L.N.T.S. 133 (entered into force Oct. 14, 1925), as amended by Agreement Concerning the Treaty Between the United States of America and Germany on Friendship, Commerce and Consular Rights of December 8, 1923, as Amended, June 3, 1953, 5 U.S.T. 1939, 253 U.N.T.S. 89 (entered into force Oct. 22, 1954).

<sup>96</sup> Convention Concerning the Rights and Privileges of Consuls, Dec. 2, 1902, 8 Bevens 313 (entered into force July 9, 1903).

<sup>97</sup> Treaty of Friendship, Commerce and Navigation Between the United States of America and the Kingdom of Greece, Aug. 3, 1951, 5 U.S.T. 1829, 224 U.N.T.S. 279 (entered into force Oct. 13, 1954).

<sup>98</sup> General Convention of Peace, Amity, Commerce and Navigation Between the United States of America and the Republic of Guatemala, Mar. 3, 1849, 8 Bevens 461 (entered into force May 13, 1852) (articles relating to commerce and navigation terminated Nov. 4, 1874).

<sup>99</sup> Treaty of Friendship, Commerce and Consular Rights, Dec. 7, 1927, 8 Bevens 905, 87 L.N.T.S. 421 (entered into force July 19, 1928).

**TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES**

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Iran	1975	--	1957 <sup>54</sup>	--	--
Iraq	1970	--	--	--	--
Ireland	1969	1954 <sup>55</sup>	1950 <sup>100</sup>	COE 1995	1991
Israel	--	--	1954 <sup>56</sup>	COE 1998	1991
Italy	1969	1878 <sup>101</sup>	1949 <sup>102</sup>	COE 1989	1995
Jamaica	1976	1952 <sup>30</sup>	--	--	--
Japan	1983	1964 <sup>57</sup>	1953 <sup>103</sup>	COE 2003	--
Jordan	1973	--	--	--	--
Kazakhstan	1994	1968 <sup>31</sup>	1933 <sup>69</sup>	--	--
Kenya	1969	--	--	--	--
Kiribati	1982	1952 <sup>30</sup>	--	--	--
Korea, North	1984	--	--	--	--
Korea, South	1977	1963 <sup>58</sup>	1957 <sup>104</sup>	COE 2005	--
Kosovo	2008 <sup>105</sup>	1882 <sup>74</sup>	1882 <sup>75</sup>	--	--

<sup>100</sup> Treaty of Friendship, Commerce and Navigation Between the United States of America and Ireland, with Protocol, Jan. 21, 1950, 1 U.S.T. 785, 206 U.N.T.S. 269 (entered into force Sept. 14, 1950) (Article 2(2) requiring consular notification upon the request of a foreign national accused of a crime and taken into custody).

<sup>101</sup> Consular Convention Between the United States and Italy, May 8, 1878, 9 Bevans 91 (entered into force Sept. 18, 1878).

<sup>102</sup> Treaty of Friendship, Commerce and Navigation Between the United States of America and the Italian Republic, with Protocol, Feb. 2, 1948, 9 Bevans 261, 79 U.N.T.S. 171 (entered into force July 26, 1949).

<sup>103</sup> Treaty of Friendship, Commerce and Navigation Between the United States of America and Japan, Apr. 2, 1953, 4 U.S.T. 2063, 206 U.N.T.S. 143 (entered into force Oct. 30, 1953).

<sup>104</sup> Treaty of Friendship, Commerce and Navigation Between the United States of America and the Republic of Korea, with Protocol, Nov. 28, 1956, 8 U.S.T. 2217, 302 U.N.T.S. 281 (entered into force Nov. 7, 1957) (Article 3(2) requiring consular notification upon the request of a foreign national taken into custody).

<sup>105</sup> The VCCR is applicable as between the United States and Kosovo. On February 17, 2008, Kosovo issued its declaration of independence, in which it assumed the treaty and other international obligations of the former Socialist Federal Republic of Yugoslavia to which Kosovo is bound as a former constituent part, including the VCCR.

**TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES**

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S. <sup>66</sup>	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Kuwait	1975	1952 <sup>30</sup>	--	--	--
Kyrgyzstan	1994	1968 <sup>31</sup>	1933 <sup>69</sup>	--	--
Laos	1973	--	--	--	--
Latvia	1992	--	1928 <sup>106</sup>	COE 1997	2007
Lebanon	1975	--	1924 <sup>107</sup>	--	--
Lesotho	1972	--	--	--	--
Liberia	1984	1939 <sup>108</sup>	--	--	--
Libya	1998	--	--	--	--
Liechtenstein	1969	--	--	COE 1998	--
Lithuania	1992	--	--	COE 1996	2007
Luxembourg	1972	--	1963 <sup>59</sup>	COE 1988	1988
Macedonia	1993	1882 <sup>74</sup>	1882 <sup>75</sup>	COE 1999	1991
Madagascar	1969	--	1896 <sup>93</sup>	--	--
Malawi	1980	--	--	--	--
Malaysia	1991	1952 <sup>30</sup>	--	--	--
Maldives	1991	--	--	--	--
Mali	1969	--	--	--	--
Malta	1997	1952 <sup>30</sup>	--	COE 1991	2003
Marshall Islands	1991	--	1986 <sup>109</sup>	B 2004 <sup>110</sup>	--

<sup>106</sup> Treaty of Friendship, Commerce and Consular Rights, Apr. 20, 1928, 9 Bevens 531, 80 L.N.T.S. 35 (entered into force July 25, 1928).

<sup>107</sup> Convention Between the United States of America and France Regarding the Mandate for Syria and Lebanon, Apr. 4, 1924, 7 Bevens 925 (entered into force July 13, 1924).

<sup>108</sup> Consular Convention Between the United States of America and Liberia, Oct. 7, 1938, 9 Bevens 607, 201 L.N.T.S. 183 (entered into force Dec. 21, 1939) (Article 6 giving consular officers a right of access to detained nationals).

**TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES**

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral consular convention, year in force with U.S.	If party to other bilateral agreement addressing consular issues, year in force with U.S.	If party to prisoner transfer agreement, agreement type and year in force with U.S. <sup>66</sup>	If party to Hague Child Abduction Convention in relation to U.S., year in force with U.S.
Mauritania	2000	--	--	--	--
Mauritius	1970	1952 <sup>30</sup>	--	COE 2004	1993
Mexico	1969	1943 <sup>111</sup>	--	COE 2007 OAS 2001 B 1977 <sup>112</sup>	1991
Micronesia	1991	--	1986 <sup>109</sup>	B 2004 <sup>113</sup>	--
Moldova	1993	1968 <sup>31</sup>	1933 <sup>69</sup>	COE 1991	--
Monaco	2005	--	--	--	1993
Mongolia	1989	2007 <sup>40</sup>	--	--	--
Montenegro	2006	1882 <sup>74</sup>	1882 <sup>75</sup>	COE 2006	1991
Morocco	1977	--	1837 <sup>114</sup>	--	--
Mozambique	1983	--	--	--	--
Namibia	1992	--	--	--	--
Nauru	--	--	--	--	--
Nepal	1969	--	1947 <sup>115</sup>	--	--

<sup>109</sup> Agreement for the Implementation of the Compact of Free Association Between the Government of the United States of America and the Governments of the Marshall Islands and of the Federated States of Micronesia, Pub. L. 99-239, Title II, 99 Stat. 1770 (1986), as amended by Pub. L. 108-188, 117 Stat. 2720 (2003), 48 U.S.C. § 1921 et seq.

<sup>110</sup> Agreement Between the United States of America and the Marshall Islands on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions, with Agreed Minute, Apr. 30, 2003, Title IV (entered into force May 1, 2004, with effect from Oct. 21, 1986).

<sup>111</sup> Consular Convention Between the United States of America and the United Mexican States, Aug. 12, 1942, 9 Bevans 1076, 125 U.N.T.S. 301 (entered into force July 1, 1943) (Article 6(2) giving consular officers a right of access to detained nationals).

<sup>112</sup> Treaty Between the United States of America and the United Mexican States on the Execution of Penal Sentences, Nov. 25, 1976, 28 U.S.T. 7399 (entered into force Nov. 30, 1977).

<sup>113</sup> Agreement Between the United States of America and the Federated States of Micronesia on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions, with Agreed Minute, May 14, 2003, Title IV (entered into force June 25, 2004, with effect from Nov. 3, 1986).

<sup>114</sup> Treaty of Peace, Sept. 16, 1836, 9 Bevans 1286 (entered into force Jan. 28, 1837).

<sup>115</sup> Agreement Relating to Friendship and Commerce, Apr. 25, 1947, 10 Bevans 1, 16 U.N.T.S. 97 (effective Apr. 25, 1947).

TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES

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Netherlands	1985	--	1957 <sup>60</sup>	COE 1988	1991
New Zealand	1974	--	1815 <sup>70</sup>	--	1991
Nicaragua	1975	--	--	OAS 2001	--
Niger	1969	--	--	--	--
Nigeria	1969	1952 <sup>30</sup>	--	--	--
Norway	1980	--	1932 <sup>116</sup>	COE 1993	1989
Oman	1974	--	1960 <sup>61</sup>	--	--
Pakistan	1969	--	1815 <sup>70</sup> 1961 <sup>62</sup>	--	--
Palau	--	--	1986 <sup>117</sup>	--	--
Panama	1969	--	--	COE 1999 OAS 2001 B 1980 <sup>118</sup>	1994
Papua New Guinea	1975	--	1815 <sup>70</sup>	--	--
Paraguay	1969	--	1860 <sup>119</sup>	OAS 2004	2008
Peru	1978	--	--	B 1980 <sup>120</sup>	2007
Philippines	1969	1948 <sup>41</sup>	1946 <sup>121</sup>	--	--

<sup>116</sup> Treaty of Friendship, Commerce and Consular Rights, June 5, 1928, 10 Bevans 481, 134 L.N.T.S. 81 (entered into force Sept. 13, 1932).

<sup>117</sup> Agreement for the Implementation of the Compact of Free Association Between the Government of the United States of America and the Government of Palau, Pub. L. 99-658, 100 Stat. 3673 (1986), 48 U.S.C. § 1931 et seq.

<sup>118</sup> Treaty Between the United States of America and the Republic of Panama on the Execution of Penal Sentences, Jan. 11, 1979, 32 U.S.T. 1565, 1280 U.N.T.S. 363 (entered into force June 27, 1980).

<sup>119</sup> Treaty of Friendship, Commerce, and Navigation Between the Governments of the United States of America, and of the Republic of Paraguay, Feb. 4, 1859, 10 Bevans 888 (entered into force Mar. 7, 1860).

<sup>120</sup> Treaty Between the United States of America and the Republic of Peru on the Execution of Penal Sentences, July 6, 1979, 32 U.S.T. 1471, 1233 U.N.T.S. 139 (entered into force July 21, 1980).

<sup>121</sup> Treaty of General Relations Between the United States of America and the Republic of the Philippines, with Protocol, July 4, 1946, 11 Bevans 3 (entered into force Oct. 22, 1946). See also Provisional Agreement Between the United States of America and the Republic of the Philippines Concerning Friendly Relations and Diplomatic and Consular Representation, July 4, 1946 (effective July 4, 1946).

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Poland	1981	1973 <sup>42</sup>	--	COE 1995	1992
Portugal	1972	--	--	COE 1993	1998
Qatar	1988	--	--	--	--
Romania	1972	1973 <sup>44</sup>	--	COE 1996	1993
Russia	1989	1968 <sup>31</sup>	1933 <sup>69</sup>	COE 2007	--
Rwanda	1974	--	--	--	--
Saint Kitts and Nevis	1983	1952 <sup>30</sup>	--	--	1995
Saint Lucia	1986	1952 <sup>30</sup>	--	--	--
Saint Vincent and the Grenadines	1999	1952 <sup>30</sup>	--	--	--
Samoa	1987	--	--	--	--
San Marino	--	--	--	COE 2004	2008
Sao Tome and Principe	1983	--	--	--	--
Saudi Arabia	1988	--	1933 <sup>122</sup>	--	--
Senegal	1969	--	--	--	--
Serbia	2001	1882 <sup>74</sup>	1882 <sup>75</sup>	COE 2002	1991
Seychelles	1979	1952 <sup>30</sup>	--	--	--
Sierra Leone	--	1952 <sup>30</sup>	--	--	--
Singapore	2005	1952 <sup>30</sup>	--	--	--
Slovakia	1993	1987 <sup>37</sup>	--	COE 1993	2001

<sup>122</sup> Provisional Agreement Between the United States of America and the Kingdom of Saudi Arabia in Regard to Diplomatic and Consular Representation, Juridical Protection, Commerce and Navigation, Nov. 7, 1933, 11 Bevans 456, 142 L.N.T.S. 329 (effective Nov. 7, 1933).

**TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES**

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Slovenia	1992	1882 <sup>74</sup>	1882 <sup>75</sup>	COE 1994	1995
Solomon Islands	1978	--	--	--	--
Somalia	1969	--	--	--	--
South Africa	1989	--	1815 <sup>70</sup>	--	1997
Spain	1970	--	1903 <sup>123</sup>	COE 1985	1988
Sri Lanka	2006	--	1815 <sup>70</sup>	--	2008
Sudan	1995	--	--	--	--
Suriname	1980	1855 <sup>124</sup>	1963 <sup>60</sup>	--	--
Swaziland	--	--	--	--	--
Sweden	1974	1911 <sup>125</sup>	--	COE 1985	1989
Switzerland	1969	--	1855 <sup>126</sup>	COE 1988	1988
Syria	1978	--	1924 <sup>107</sup> 1944 <sup>127</sup>	--	--
Taiwan	--	--	1948 <sup>128</sup>	--	--
Tajikistan	1996	1968 <sup>31</sup>	1933 <sup>69</sup>	--	--

<sup>123</sup> Treaty of Friendship and General Relations Between the United States of America and Spain, July 3, 1902, 11 Bevans 628 (entered into force Apr. 14, 1903).

<sup>124</sup> Convention Regarding Consuls in the Colonies of the Netherlands, Jan. 22, 1855, 10 Bevans 28 (entered into force May 25, 1855).

<sup>125</sup> Convention on Rights, Privileges, and Immunities of Consular Officers, June 1, 1910, 11 Bevans 730 (entered into force Mar. 18, 1911).

<sup>126</sup> General Convention of Friendship, Reciprocal Establishments, Commerce, and for the Surrender of Fugitive Criminals, Nov. 25, 1850, 11 Bevans 894 (entered into force Nov. 8, 1855).

<sup>127</sup> Agreement Relating to the Recognition of the Independence of Syria and to the Rights of the United States and Its Nationals, Sept. 7 & 8, 1944, 11 Bevans 970, 124 U.N.T.S. 251 (effective Sept. 8, 1944).

<sup>128</sup> Treaty of Friendship, Commerce and Navigation Between the United States of America and the Republic of China, with Protocol, Nov. 4, 1946, 6 Bevans 761, 25 U.N.T.S. 69 (entered into force on Nov. 30, 1948). This agreement is administered on a nongovernmental basis by the American Institute in Taiwan and does not constitute recognition of the Taiwan authorities. See footnote 1 on page 4.

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Tanzania	1977	1952 <sup>30</sup>	--	--	--
Thailand	1999	--	1968 <sup>64</sup>	B 1982 <sup>129</sup>	--
Timor-Leste (East Timor)	2004	--	--	--	--
Togo	1983	--	1967 <sup>65</sup>	--	--
Tonga	1972	1952 <sup>30</sup>	--	COE 2000	--
Trinidad and Tobago	1969	1952 <sup>30</sup>	--	COE 1994	--
Tunisia	1969	1994 <sup>45</sup>	1904 <sup>130</sup>	--	--
Turkey	1976	--	1927 <sup>131</sup>	COE 1988 B 1981 <sup>132</sup>	2000
Turkmenistan	1996	1968 <sup>31</sup>	1933 <sup>69</sup>	--	--
Tuvalu	1982	1952 <sup>30, 47</sup>	--	--	--
Uganda	--	--	--	--	--
Ukraine	1989	1968 <sup>31</sup>	1933 <sup>69</sup>	COE 1996	2007
United Arab Emirates	1977	--	--	--	--
United Kingdom	1972	1952 <sup>30</sup>	1815 <sup>70</sup>	COE 1985	1988
Uruguay	1970	--	--	--	2004
Uzbekistan	1992	1968 <sup>31</sup>	1933 <sup>69</sup>	--	--
Vanuatu	1987	--	--	--	--

<sup>129</sup> Treaty on Cooperation in the Execution of Penal Sentences Between the Government of the United States of America and the Government of the Kingdom of Thailand, Oct. 29, 1982, Senate Treaty Doc. No. 98-8 (entered into force Dec. 7, 1988).

<sup>130</sup> Agreement on Relations in Tunis, Mar. 15, 1904, 7 Bevans 862 (entered into force May 7, 1904).

<sup>131</sup> Agreement on Relations, Feb. 17, 1927, 11 Bevans 1109 (effective Feb. 17, 1927).

<sup>132</sup> Treaty on the Enforcement of Penal Judgments Between the United States of America and the Republic of Turkey, June 7, 1979, 32 U.S.T. 3187 (entered into force Jan. 1, 1981).

**TABLE C: CONSULAR CONVENTION AND AGREEMENT STATUS OF ALL COUNTRIES**

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Venezuela	1969	--	1836 <sup>133</sup>	OAS 2001 COE 2003	1997
Vietnam	1992	-- <sup>134</sup>	--	--	--
Yemen	1986	--	1946 <sup>135</sup>	--	--
Zambia	--	1952 <sup>30</sup>	--	--	--
Zimbabwe	1991	1952 <sup>30</sup>	--	--	1995

<sup>133</sup> Treaty of Peace, Friendship, Navigation and Commerce Between the United States of America and the Republic of Venezuela, Jan. 20, 1836, 12 Bevans 1038 (entered into force May 31, 1836).

<sup>134</sup> The United States and Vietnam concluded an agreed minute in 1994 in which each side made certain commitments with respect to consular relations. While paragraph 5 of this minute provides for automatic notification of the arrest or detention of passport holders of the sending country, its terms are nonbinding and the Department of State therefore does not consider Vietnam to be a “mandatory notification” (“list”) country. The agreed minute is on file with the Department of State Office of the Legal Adviser.

<sup>135</sup> Agreement Between the United States of America and the Kingdom of the Yemen Relating to Friendship and Commerce, May 4, 1946, 12 Bevans 1223, 4 U.N.T.S. 165 (effective May 4, 1946).

**TABLE D: COUNTRIES WITH BILATERAL AGREEMENTS CONTAINING PROVISIONS ON CONSULAR NOTIFICATION AND ACCESS**

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral convention addressing consular issues, year in force with U.S.	Article in bilateral convention concerning consular notification	Notification of consulate mandatory, or only upon foreign national's request?
Albania	1991	1991 <sup>27</sup>	Art. 1(5)	Mandatory
Algeria	1969	1997 <sup>29</sup>	Art. 33(1)	Mandatory
Antigua and Barbuda	1988	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Armenia	1993	1968 <sup>31</sup>	Art. 12(2) Protocol ¶ 1	Mandatory
Azerbaijan	1992	1968 <sup>31</sup>	Art. 12(2) Protocol ¶ 1	Mandatory
Bahamas	1977	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Barbados	1992	1952 <sup>30,32</sup>	Art. 16(1)	Mandatory
Belarus	1989	1968 <sup>31</sup>	Art. 12(2) Protocol ¶ 1	Mandatory
Belgium	1970	1974 <sup>48</sup>	Art. 25(2)	Upon request
Belize	2000	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Brunei	--	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Bulgaria	1989	1975 <sup>33</sup>	Art. 38(2)	Mandatory
China (including Hong Kong and Macao)	1979	1982 <sup>34</sup>	Art. 35(2)	Mandatory
Costa Rica	1969	1950 <sup>36</sup>	Art. 7(2)(b)	Mandatory
Cyprus	1976	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Czech Republic	1993	1987 <sup>37</sup>	Art. 36(1)	Mandatory
Denmark	1972	1961 <sup>50</sup>	Art. 3(2)	Upon Request
Dominica	1987	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Eritrea	1997	1953 <sup>51</sup>	Art. 6(2)	Upon request

**TABLE D: COUNTRIES WITH BILATERAL AGREEMENTS CONTAINING PROVISIONS ON CONSULAR NOTIFICATION AND ACCESS**

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral convention addressing consular issues, year in force with U.S.	Article in bilateral convention concerning consular notification	Notification of consulate mandatory, or only upon foreign national's request?
Ethiopia	--	1953 <sup>51</sup>	Art. 6(2)	Upon request
Fiji	1972	1952 <sup>30,38</sup>	Art. 16(1)	Mandatory
France	1970	1968 <sup>52</sup>	Art. 34(1)	Upon request
Gambia	--	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Georgia	1993	1968 <sup>31</sup>	Art. 12(2) Protocol ¶ 1	Mandatory
Germany	1971	1956 <sup>53</sup>	Art. 3(2)	Upon request
Ghana	1969	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Grenada	1992	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Guyana	1973	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Hungary	1987	1973 <sup>39</sup>	Art. 41(1)	Mandatory
Iran	1975	1957 <sup>54</sup>	Art. 2(4)	Upon request
Ireland	1969	1954 <sup>55</sup>	Art. 16(1)	Upon request <sup>136</sup>
Israel	--	1954 <sup>56</sup>	Art. 3(2)	Upon request
Jamaica	1976	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Japan	1983	1964 <sup>57</sup>	Art. 16(1)	Upon request
Kazakhstan	1994	1968 <sup>31</sup>	Art. 12(2) Protocol ¶ 1	Mandatory
Kiribati	1982	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Korea, South	1977	1963 <sup>58</sup>	Art. 5(2)	Upon request
Kuwait	1975	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Kyrgyzstan	1994	1968 <sup>31</sup>	Art. 12(2) Protocol ¶ 1	Mandatory
Luxembourg	1972	1963 <sup>59</sup>	Art. 3(4)	Upon request

<sup>136</sup> On the special consular notification and access requirements that apply to detained Irish nationals, see footnote 7 on page 25.

**TABLE D: COUNTRIES WITH BILATERAL AGREEMENTS CONTAINING PROVISIONS ON CONSULAR NOTIFICATION AND ACCESS**

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral convention addressing consular issues, year in force with U.S.	Article in bilateral convention concerning consular notification	Notification of consulate mandatory, or only upon foreign national's request?
Malaysia	1991	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Malta	1997	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Mauritius	1970	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Moldova	1993	1968 <sup>31</sup>	Art. 12(2) Protocol ¶ 1	Mandatory
Mongolia	1989	2007 <sup>40</sup>	Art. 37(1)	Mandatory
Netherlands	1985	1957 <sup>60</sup>	Art. 3(2)	Upon Request
Nigeria	1969	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Oman	1974	1960 <sup>61</sup>	Art. 2(2)	Upon request
Pakistan	1969	1961 <sup>62</sup>	Art. 3(2)	Upon request
Philippines	1969	1948 <sup>41</sup>	Art. 7(2)	Mandatory
Poland	1981	1973 <sup>42</sup>	Art. 29(2)	Upon request if lawful permanent resident of U.S., mandatory otherwise <sup>137</sup>
Romania	1972	1973 <sup>44</sup>	Art. 22(1)	Mandatory
Russia	1989	1968 <sup>31</sup>	Art. 12(2) Protocol ¶ 1	Mandatory
Saint Kitts and Nevis	1983	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Saint Lucia	1986	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Saint Vincent and the Grenadines	1999	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Seychelles	1979	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Sierra Leone	--	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Singapore	2005	1952 <sup>30</sup>	Art. 16(1)	Mandatory

<sup>137</sup> On the special consular notification and access requirements that apply to detained Polish nationals, see footnote 18 on page 43.

**TABLE D: COUNTRIES WITH BILATERAL AGREEMENTS CONTAINING PROVISIONS ON CONSULAR NOTIFICATION AND ACCESS**

Country/Jurisdiction	If party to VCCR, year in force with U.S.	If party to bilateral convention addressing consular issues, year in force with U.S.	Article in bilateral convention concerning consular notification	Notification of consulate mandatory, or only upon foreign national's request?
Slovakia	1993	1987 <sup>37</sup>	Art. 36(1)	Mandatory
Suriname	1980	1963 <sup>60</sup>	Art. 3(2)	Upon Request
Tajikistan	1996	1968 <sup>31</sup>	Art. 12(2) Protocol ¶ 1	Mandatory
Tanzania	1977	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Thailand	1999	1968 <sup>64</sup>	Art. 1(2)	Upon request
Togo	1983	1967 <sup>65</sup>	Art. 2(1)	Upon request
Tonga	1972	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Trinidad and Tobago	1969	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Tunisia	1964	1994 <sup>45</sup>	Art. 39(1)	Mandatory
Turkmenistan	1996	1968 <sup>31</sup>	Art. 12(2) Protocol ¶ 1	Mandatory
Tuvalu	1982	1952 <sup>30,47</sup>	Art. 16(1)	Mandatory
Ukraine	1989	1968 <sup>31</sup>	Art. 12(2) Protocol ¶ 1	Mandatory
United Kingdom	1972	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Uzbekistan	1992	1968 <sup>31</sup>	Art. 12(2) Protocol ¶ 1	Mandatory
Zambia	--	1952 <sup>30</sup>	Art. 16(1)	Mandatory
Zimbabwe	1991	1952 <sup>30</sup>	Art. 16(1)	Mandatory

### PART FIVE: SUGGESTED STATEMENTS TO DETAINED FOREIGN NATIONALS, NOTIFICATION FAX SHEETS, AND CONSULAR IDENTIFICATION CARDS

The following section includes suggested statements to give to foreign nationals arrested or detained in the United States. The statements are provided both in English and in translations from the most commonly used foreign languages in the United States.

- ▶ **Statement 1: For All Foreign Nationals Except Those from “Mandatory Notification” Countries**
- ▶ **Statement 2: For Foreign Nationals from “Mandatory Notification” Countries**
- ▶ **Fax Sheet for Notifying Consular Officers of Arrests or Detentions**
- ▶ **Fax Sheet for Notifying Consular Officers of the Possible Appointment of a Guardian or Trustee for a Foreign National**
- ▶ **Fax Sheet for Notifying Consular Officers of the Death, Serious Injury, or Illness of a Foreign National**
- ▶ **Diplomatic and Consular Officer Identification Cards**

In order to comply with the VCCR and applicable bilateral agreements with provisions on consular notification and access, the Department of State recommends that the suggested statements listed below be given to foreign nationals arrested or detained in the United States. You should give **Statement 1** to those foreign nationals who are not from a “mandatory notification” (“list”) country. The foreign national should answer “yes” or “no” to this question, and you should record his or her answer. The Department of State recommends that the foreign national be asked to sign and date the form to confirm his or her answer and the date he or she was informed. You should give **Statement 2** to those foreign nationals who are from a “mandatory notification” (“list”) country. A foreign national from such a country does not need to answer any questions, but a record should be kept that you provided this information to the foreign national.

The English versions of Statement 1 and Statement 2 have been translated into the languages most commonly used by foreign nationals in the United States. In the translations of Statement 1, the words “yes” and “no” appear in both the foreign language and in English, to help minimize the possibility of any misunderstanding between you and the foreign national.

If at all possible, you should give the statement in the foreign national’s own language, or in a language he or she understands. If no translation into the foreign national’s own language is available, you should determine whether he or she can understand any of the other languages for which a translation is provided. If you have doubts about the foreign national’s ability to read, you should also give the statement orally if possible. Please notify the Department of State of additional languages for which translations would be helpful, and the Department may post additional translations on its website in response to such requests.

Translations for the following languages appear below:

**Arabic**  
**Cambodian (Khmer)**  
**Chinese**  
**Creole**  
**Farsi (Persian)**  
**French**  
**German**  
**Greek**  
**Hindi**  
**Italian**  
**Japanese**  
**Korean**  
**Lao**  
**Polish**  
**Portuguese**  
**Russian**  
**Spanish**  
**Tagalog (Filipino)**  
**Thai**  
**Vietnamese**

The Department of State has designed a poster showing Statement 1 translated into these languages, to be used by law enforcement or corrections agencies in locations where foreign nationals who have been arrested or detained can see it. You may download an electronic copy of the poster from the Department’s website at <http://travel.state.gov/consularnotification>. The Department of State can also send you an electronic copy of the poster on CD-ROM or other electronic media upon request.

In the pages following the suggested statements, three fax sheets appear. You may photocopy and use these fax sheets for notifying foreign consulates, or model your own fax sheets after them:

- ▶ [Fax Sheet for Notifying Consular Officers of Arrests or Detentions](#)
- ▶ [Fax Sheet for Notifying Consular Officers of the Possible Appointment of a Guardian or Trustee for a Foreign National](#)
- ▶ [Fax Sheet for Notifying Consular Officers of the Death, Serious Injury, or Illness of a Foreign National](#)

## ENGLISH

***Statement 1:***  
**For All Foreign Nationals Except Those from  
“Mandatory Notification” Countries**

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 officers at this time?

YES

NO

Printed Name: \_\_\_\_\_

Witness: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

---

***Statement 2:***  
**For Foreign Nationals from  
“Mandatory Notification” Countries**

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. Please sign to show that you have received this information.

Printed Name: \_\_\_\_\_

Witness: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## ARABIC

### **Statement 1: For All Foreign Nationals Except Those from “Mandatory Notification” Countries**

إذا كنتم مواطنين غير أمريكيين يجري توقيفكم أو احتجازكم، يجوز لكم أن تطلبوا منا إخطار المسؤولين العاملين في قنصلية بلادكم هنا في الولايات المتحدة بأنكم محتجزين أو أنكم تعرضتم للتوقيف، ويجوز لكم كذلك الاتصال بمسئولي قنصلية بلادكم، إذ قد يتمكن هؤلاء المسؤولون من توفير محامين يتولون تمثيلكم، كما يجوز لهم الاتصال بأسرتكم أو زيارتكم في مكان احتجازكم، ضمن أشياء أخرى قد يقدمونها لكم. ويجوز لكم أن تطلبوا منا الآن أو في أي وقت في المستقبل أن نقوم بإخطار مسئول قنصلية بلادكم، إذا أردتم منا القيام بذلك. هل تريدون منا إخطار مسئول قنصلية بلادكم في هذا الوقت؟

لا (NO)

نعم (YES)

..... الشاهد:  
Witness  
..... التاريخ:  
Date

..... الاسم مكتوب بخط واضح:  
Printed Name  
..... التوقيع:  
Signature

### **Statement 2: For Foreign Nationals from “Mandatory Notification” Countries**

إننا ملزمون بسبب جنسيتكم بإخطار المسؤولين العاملين في قنصلية بلادكم في الولايات المتحدة بأنكم قد تعرضتم للتوقيف أو للاحتجاز، وسوف نقوم بذلك في أقرب فرصة ممكنة. ونحيطكم علماً، علاوة على ذلك، بأن يجوز لكم الاتصال بالمسؤولين العاملين في قنصلية بلادكم، وأنكم غير ملزمين بقبول مساعدتهم لكم، ولكنهم مع ذلك قد يتمكنون من توفير محامين يتولون تمثيلكم، كما يجوز لمسئولي قنصلية بلادكم الاتصال بأسرتكم وزيارتكم في مكان احتجازكم، ضمن أشياء أخرى قد يقدمونها لكم. الرجاء التوقيع على هذا البيان لإثبات حصولكم على المعلومات التي يتضمنها.

..... الشاهد:  
Witness  
..... التاريخ:  
Date

..... الاسم مكتوب بخط واضح:  
Printed Name  
..... التوقيع:  
Signature

# CAMBODIAN (KHMER)

## Statement 1:

### For All Foreign Nationals Except Those from “Mandatory Notification” Countries

ក្នុងករណីត្រូវចាប់ខ្លួន ឬដាច់ឃុំ ក្នុងនាមជាជនបរទេស មិនមានសញ្ជាតិអាមេរិកាំង លោកអ្នកអាចស្នើសុំឱ្យយើងជូនដំណឹងដល់មន្ត្រីស្ថានកុងស៊ុលរបស់លោកអ្នកនៅសហរដ្ឋអាមេរិកអំពីស្ថានភាពរបស់លោកអ្នក ។ លោកអ្នកអាចទំនាក់ទំនងផ្ទាល់ជាមួយមន្ត្រីកុងស៊ុលរបស់លោកអ្នក ។ មន្ត្រីកុងស៊ុលអាចជួយលោកអ្នក ដូចជាការកំណត់ទីកន្លែង ឬទាក់ទងជាមួយគ្រួសារលោកអ្នកនិងចូលសួរសុខទុក្ខលោកអ្នកក្នុងមន្ទីរឃុំឃាំង ព្រមទាំងធ្វើកិច្ចការផ្សេងៗ។

បើលោកអ្នកចង់ឱ្យយើងជូនដំណឹងដល់មន្ត្រីកុងស៊ុល លោកអ្នកអាចស្នើសុំសេចក្តីជូនដំណឹងនេះឱ្យទាន់ពេលវេលា ឬនៅពេលណាមួយ។

តើលោកអ្នកចង់ឱ្យយើងទាក់ទងមន្ត្រីកុងស៊ុលរបស់លោកអ្នកឬទេនៅពេលនេះ?

បាទ  (YES)

ទេ  (NO)

សរសេរឈ្មោះអក្សរធំ: \_\_\_\_\_  
Printed Name

សាក្សី: \_\_\_\_\_  
Witness

ហត្ថលេខា: \_\_\_\_\_  
Signature

ថ្ងៃខែ: \_\_\_\_\_  
Date

## Statement 2:

### For Foreign Nationals from “Mandatory Notification” Countries

ដោយសារលោកអ្នកជាជនបរទេស ជាចាំបាច់យើងត្រូវប្រាប់មន្ត្រីនៃស្ថានកុងស៊ុលប្រទេសរបស់លោកអ្នកប្រចាំសហរដ្ឋអាមេរិកថា លោកអ្នកបានត្រូវចាប់ខ្លួន ឬឃុំខ្លួន។

យើងនឹងជូនដំណឹងទៅស្ថានទូតរបស់លោកអ្នកយ៉ាងឆាប់រហ័សតាមលទ្ធភាព។ ក្រៅពីនេះ លោកអ្នកអាចទាក់ទងជាមួយមន្ត្រីកុងស៊ុលរបស់លោកអ្នក។

លោកអ្នកនឹងមិនត្រូវជាចាំបាច់ឱ្យរកជំនួយជំនួយពីមន្ត្រីស្ថានកុងស៊ុលរបស់លោកអ្នកទេ ក៏ប៉ុន្តែមន្ត្រីស្ថានកុងស៊ុលអាចជួយលោកអ្នករកកន្លែងកំណត់ទីកន្លែង ឬ អាចទាក់ទងជាមួយគ្រួសារលោកអ្នក ទៅសួរសុខទុក្ខលោកអ្នកក្នុងមន្ទីរឃុំឃាំង ព្រមទាំងធ្វើកិច្ចការផ្សេងៗ។

សូមចុះហត្ថលេខាខាងក្រោមនេះ ដើម្បីបញ្ជាក់ថា លោកអ្នកបានទទួលព័ត៌មាននេះ។

ឈ្មោះអក្សរធំ: \_\_\_\_\_  
Printed Name

សាក្សី: \_\_\_\_\_  
Witness

ហត្ថលេខា: \_\_\_\_\_  
Signature

ថ្ងៃខែ: \_\_\_\_\_  
Date

# CHINESE

## ***Statement 1:*** **For All Foreign Nationals Except Those from “Mandatory Notification” Countries**

你作为非美国公民，在被拘留或者逮捕时可以要求我们将你的情况通知你们国家派驻美国的领事；你也可以和你们国家的领事通话。你们国家的领事有可能帮助你争取法律援助、联系家人、到拘留地点探访你，和做一些别的事情。

你如果要我们通知你们的领事，可以现在就提出，也可以在日后任何时候提出。

你需要我们现在就通知你们的领事吗？

要 (YES)

不要 (NO)

用正体书写姓名： \_\_\_\_\_  
Printed Name

证人： \_\_\_\_\_  
Witness

签名： \_\_\_\_\_  
Signature

日期： \_\_\_\_\_  
Date

---

## ***Statement 2:*** **For Foreign Nationals from “Mandatory Notification” Countries**

鉴于你的国籍，我们必须将你被捕或者被拘留的情况通知你们国家派驻美国的领事。我们会尽快通知。另外，你可以和你们的领事通话。你并非一定要接受他们的援助，但是你们的领事有可能帮助你获得法律援助、联系你的家人和到拘留地点探访你，和做一些别的事情。请在下面签名表示你已经被告知以上信息。

用正体书写姓名： \_\_\_\_\_  
Printed Name

证人： \_\_\_\_\_  
Witness

签名： \_\_\_\_\_  
Signature

日期： \_\_\_\_\_  
Date

# CREOLE

***Statement 1:***  
**For All Foreign Nationals Except Those from  
“Mandatory Notification” Countries**

Kòm yon moun ki pa sitwayen ameriken ke otorite yo ap arete oubyen ap mete nan prizon, ou gen dwa mande pou nou mete otorite nan konsila peyi ou ki isit o Zetazini okouran sityasyon an. Ou kapab tou pran kontak ak otorite ki nan konsila peyi ou. Yon ofisyèl nan konsila peyi ou kapab an mezi pou li ede w jwenn konkou avoka, e li kapab tou pran kontak ak manm fanmi ou e ofisyèl sa a kapab vizite w nan prizon an, ak lòt bagay ankò. Si ou vle nou mete otorite nan konsila peyi ou okouran, ou gen dwa fè demand pou yo fè avètisman sa a kounyela menm, oubyen nenpòt ki lòt lè nan lavni. Eske ou ta renmen nou mete otorite konsila peyi ou okouran kounyela menm?

WI (YES)

NON (NO)

Ekri non ou : \_\_\_\_\_

Printed Name

Siyati: \_\_\_\_\_

Signature

Temwen : \_\_\_\_\_

Witness

Dat : \_\_\_\_\_

Date

---

***Statement 2:***  
**For Foreign Nationals from  
“Mandatory Notification” Countries**

Akoz nasyonalite ou, nou gen obligasyon pou nou mete otorite konsila peyi ou ki isit o Zetazini okouran ke yo arete ou oubyen yo mete ou nan prizon. Nou pral fè sa osito posib. An plis de sa, ou kapab pran kontak ak otorite ki nan konsila peyi ou. Ou pa oblije aksepte èd yo, men li posib pou otorite konsila peyi ou ede w jwenn èd yon avoka, e yo byen kapab pran kontak ak manm fanmi ou, epi rann ou vizit nan prizon an, ak lòt bagay ankò. Silvouplè, siyen pou w fè wè ou te resevwa enfòmasyon sa a.

Ekri non ou : \_\_\_\_\_

Printed Name

Siyati: \_\_\_\_\_

Signature

Temwen : \_\_\_\_\_

Witness

Dat : \_\_\_\_\_

Signature

## FARSI

### Statement 1:

#### For All Foreign Nationals Except Those from “Mandatory Notification” Countries

شما منحیث یک شخص که تبعه ایالات متحده امریکا نیستید و توقیف و بازداشت شده اید، میتوانید از ما بخواهید تا راجع به وضع شما با مامورین قونسلگری کشور تان، این جا، در ایالات متحده در تماس شویم. همچنان شما میتوانید که با مامورین قونسلگری خویش حرف بزنید. یک مامور قونسلگری شاید بتواند به شمول کار های دیگر شما را در مورد استخدام یک وکیل قانونی کمک نماید، با خانواده شما در تماس شود، و در توقیف شما را ملاقات کند. اگر شما خواسته باشید که ما با مامورین قونسلگری تان در تماس شویم، شما میتوانید همین حالا این درخواست را ارائه کنید و یا در آینده کدام وقت دیگر این اطلاع را به ما بدهید. آیا شما میخواهید که ما فعلاً با مامورین قونسلگری شما در تماس شویم؟

نه خیر (NO)

بلی (YES)

چاپ اسم: \_\_\_\_\_ شاهد: \_\_\_\_\_  
Printed Name Witness  
امضا: \_\_\_\_\_ تاریخ: \_\_\_\_\_  
Signature Date

### Statement 2:

#### For Foreign Nationals from “Mandatory Notification” Countries

به دلیل ملیت و تابعیت شما، ما مکلف هستیم تا مامورین قونسلگری شما را در ایالات متحده با خبر سازیم که شما توقیف و یا بازداشت شده اید. ما این کار را هرچه زود تر ممکن باشد انجام خواهیم داد. علاوه بر این، شما میتوانید که با مامورین قونسلگری خویش در تماس باشید. شما مکلف نیستید که کمک های آنها را بپذیرید ولی مامورین قونسلگری شما شاید بتوانند علاوه بر مسایل دیگر در مورد استخدام وکیل قانونی با شما کمک نمایند، با خانواده تان تماس بگیرند و از شما در توقیف دیدن کنند. لطفا امضا کنید تا نشان دهید که شما این معلومات را دریافت نموده اید.

چاپ اسم: \_\_\_\_\_ شاهد: \_\_\_\_\_  
Printed Name Witness  
امضا: \_\_\_\_\_ تاریخ: \_\_\_\_\_  
Signature Date

# FRENCH

## ***Statement 1:*** **For All Foreign Nationals Except Those from “Mandatory Notification” Countries**

Si vous êtes arrêté ou détenu, et ressortissant d’un pays autre que les Etats-Unis, vous pouvez nous demander de prévenir le consulat de votre pays ici aux Etats-Unis. Vous pouvez également communiquer avec vos fonctionnaires consulaires. Un fonctionnaire consulaire peut notamment être en mesure de vous aider à obtenir un avocat, contacter votre famille et vous rendre visite lors de votre détention. Si vous désirez que nous prévenions le consulat, vous pouvez en faire la demande maintenant ou plus tard, au moment de votre choix. Souhaitez-vous que nous prévenions maintenant votre consulat ?

OUI (YES)

NON (NO)

Nom: \_\_\_\_\_  
Printed Name

Témoin: \_\_\_\_\_  
Witness

Signature : \_\_\_\_\_  
Signature

Date : \_\_\_\_\_  
Date

---

## ***Statement 2:*** **For Foreign Nationals from “Mandatory Notification” Countries**

Si vous êtes arrêté ou détenu, nous sommes tenus, en raison de votre nationalité, de prévenir le consulat de votre pays ici aux Etats-Unis. Nous le ferons le plus tôt possible. De plus, vous pouvez également communiquer avec vos fonctionnaires consulaires. Vous n’êtes pas obligé d’accepter leur aide mais ils peuvent notamment être en mesure de vous aider à obtenir un avocat, contacter votre famille et vous rendre visite lors de votre détention. Nous vous prions de bien vouloir apposer ci-dessous votre signature, ce qui apportera la preuve que cette information vous a bien été communiquée.

Nom: \_\_\_\_\_  
Printed Name

Témoin: \_\_\_\_\_  
Witness

Signature : \_\_\_\_\_  
Signature

Date : \_\_\_\_\_  
Date

# GERMAN

## ***Statement 1:*** **For All Foreign Nationals Except Those from “Mandatory Notification” Countries**

Als ausländischer Staatsangehöriger, der in den Vereinigten Staaten verhaftet oder festgenommen wurde, können Sie beantragen, dass wir die Konsularbeamten Ihres Landes hier in den USA über Ihre Situation unterrichten. Sie dürfen sich ebenfalls mit den Konsularbeamten Ihres Landes in Verbindung setzen. Ein Konsularbeamter kann Ihnen unter anderem bei der Beschaffung eines Rechtsbeistandes behilflich sein, sich mit Ihrer Familie in Verbindung setzen und Sie in der Haft besuchen. Wenn Sie wünschen, dass wir die Konsularbeamten Ihres Landes unterrichten, können Sie dies jetzt sofort oder auch später zu einem beliebigen Zeitpunkt beantragen. Wünschen Sie, dass wir die Konsularbeamten sofort unterrichten?

JA (YES)

NEIN (NO)

Name in Druckbuchstaben: \_\_\_\_\_  
Printed Name

Zeuge: \_\_\_\_\_  
Witness

Unterschrift: \_\_\_\_\_  
Signature

Datum: \_\_\_\_\_  
Date

---

## ***Statement 2:*** **For Foreign Nationals from “Mandatory Notification” Countries**

Aufgrund Ihrer Staatsangehörigkeit sind wir verpflichtet, die Konsularbeamten Ihres Landes in den Vereinigten Staaten davon zu unterrichten, dass Sie verhaftet oder festgenommen wurden. Wir werden diese Unterrichtung so bald wie möglich vornehmen. Außerdem dürfen Sie sich mit den Konsularbeamten Ihres Landes in Verbindung setzen. Sie sind nicht dazu verpflichtet, deren Hilfe anzunehmen, aber die Konsularbeamten Ihres Landes können Ihnen unter anderem bei der Beschaffung eines Rechtsbeistands behilflich sein, sich mit Ihrer Familie in Verbindung setzen und Sie in der Haft besuchen. Bestätigen Sie bitte mit Ihrer Unterschrift, dass Sie diese Informationen erhalten haben.

Name in Druckbuchstaben: \_\_\_\_\_  
Printed Name

Zeuge: \_\_\_\_\_  
Witness

Unterschrift: \_\_\_\_\_  
Signature

Datum: \_\_\_\_\_  
Date

## GREEK

### ***Statement 1:*** **For All Foreign Nationals Except Those from “Mandatory Notification” Countries**

Ως μη υπήκοος των Η.Π.Α. που έχετε συλληφθεί ή έχετε τεθεί υπό κράτηση, μπορείτε να μας ζητήσετε να ειδοποιήσουμε την προξενική αρχή της χώρας σας εδώ στις Ηνωμένες Πολιτείες σχετικά με την κατάστασή σας. Μπορείτε ακόμα να επικοινωνήσετε με την προξενική σας αρχή. Ανώτερος προξενικός υπάλληλος μπορεί να είναι σε θέση να σας βοηθήσει προκειμένου να λάβετε νομική εκπροσώπηση, και μπορεί να έρθει σε επαφή με την οικογένειά σας και μεταξύ άλλων, μπορούν να σας επισκέπτονται κατά τη διάρκεια της κράτησής σας. Αν μας θέλετε να ειδοποιήσουμε την προξενική σας αρχή, μπορείτε να το ζητήσετε είτε τώρα, είτε οποιαδήποτε άλλη στιγμή στο μέλλον. Θέλετε να ειδοποιήσουμε τώρα την προξενική σας αρχή;

NAI (YES)

OXI (NO)

Όνοματεπώνυμο: \_\_\_\_\_  
Printed Name

Μάρτυρας: \_\_\_\_\_  
Witness

Υπογραφή: \_\_\_\_\_  
Signature

Ημερομηνία: \_\_\_\_\_  
Date

---

### ***Statement 2:*** **For Foreign Nationals from “Mandatory Notification” Countries**

Λόγω της υπηκοότητάς σας, είμαστε υποχρεωμένοι να ειδοποιήσουμε την προξενική αρχή της χώρας σας εδώ στις Ηνωμένες Πολιτείες ότι έχετε συλληφθεί ή ότι βρίσκεστε υπό κράτηση. Θα το κάνουμε όσο το δυνατό πιο σύντομα. Επιπλέον, μπορείτε να επικοινωνήσετε με την προξενική σας αρχή. Δεν είναι υποχρεωτικό να δεχθείτε την βοήθειά τους, αλλά η προξενική σας αρχή είναι δυνατόν να σας βοηθήσει να λάβετε νομική εκπροσώπηση, όπως επίσης μπορεί να επικοινωνήσει με την οικογένειά σας και μεταξύ άλλων, να μπορούν να σας επισκέπτονται κατά τη διάρκεια της κράτησής σας. Παρακαλούμε όπως υπογράψετε σαν απόδειξη ότι λάβατε τούτη την γνωστοποίηση.

Όνοματεπώνυμο: \_\_\_\_\_  
Printed Name

Μάρτυρας: \_\_\_\_\_  
Witness

Υπογραφή: \_\_\_\_\_  
Signature

Ημερομηνία: \_\_\_\_\_  
Date

# HINDI

**Statement 1:**  
**For All Foreign Nationals Except Those from**  
**“Mandatory Notification” Countries**

यदि एक गैर-अमरीकी होते हुए आपको गिरफ्तार किया जा रहा है या हिरासत में रखा जा रहा है, तो आप यह अनुरोध कर सकते हैं कि हम अमरीका में आपके देश के काउंसलर अधिकारियों को आपकी स्थिति की सूचना दें। आप अपने देश के काउंसलर अधिकारियों से संपर्क भी कर सकते हैं। एक काउंसलर अधिकारी आपको कानूनी प्रतिनिधित्व दिलाने में मदद कर सकता है, और आपके परिवार से संपर्क कर सकता है और, अन्य बातों के साथ साथ, वह जेल में आपसे मिलने भी आ सकता है। यदि आप चाहते हैं कि हम आपके काउंसलर अधिकारियों को सूचित करें, तो इस अधिसूचना के लिए आप अभी निवेदन कर सकते हैं, या भविष्य में किसी भी समय ऐसा कर सकते हैं। क्या आप चाहते हैं कि हम आपके काउंसलर अधिकारियों को इस समय सूचना दें ?

हाँ (YES)

नहीं (NO)

साफ़ लिखा नाम: \_\_\_\_\_

Printed Name

हस्ताक्षर: \_\_\_\_\_

Signature

साक्षी: \_\_\_\_\_

Witness

तारीख: \_\_\_\_\_

Date

**Statement 2:**  
**For Foreign Nationals from “Mandatory Notification” Countries**

आपकी राष्ट्रियता के कारण हमारे लिए अनिवार्य है कि हम यहाँ अमरीका में आपके देश के काउंसलर अधिकारियों को सूचित करें कि आपको गिरफ्तार कर लिया गया है या आप हिरासत में हैं। हम जितनी जल्दी संभव होगा ऐसा करेंगे। इसके अलावा, आप चाहें तो अपने काउंसलर अधिकारियों से संपर्क कर सकते हैं। आपके लिए ज़रूरी नहीं कि आप उनकी मदद लें, लेकिन काउंसलर अधिकारी आपको कानूनी प्रतिनिधित्व दिलवाने में सहायता कर सकते हैं, और आपके परिवार से संपर्क कर सकते हैं और, अन्य बातों के साथ साथ, जेल में आपसे मिलने आ सकते हैं। कृपया यह बताने के लिए हस्ताक्षर कीजिये कि आपको यह जानकारी मिल गई है।

साफ़ लिखा नाम: \_\_\_\_\_

Printed Name

हस्ताक्षर: \_\_\_\_\_

Signature

साक्षी: \_\_\_\_\_

Witness

तारीख: \_\_\_\_\_

Date

# ITALIAN

## ***Statement 1:*** **For All Foreign Nationals Except Those from “Mandatory Notification” Countries**

Lei non è cittadino degli Stati Uniti d’America ed è stato arrestato o detenuto dalle autorità statunitensi. Come tale, può chiedere che le autorità consolari competenti del Suo Paese presenti negli Stati Uniti d’America vengano informate della Sua situazione. Inoltre, Lei può comunicare con i suddetti funzionari che, fra l’altro, potrebbero aiutarLa ad assumere un avvocato, contattare la Sua famiglia, o visitarLa mentre è in stato di detenzione. Se desidera che le autorità consolari del Suo Paese vengano informate, lo può chiedere adesso o in qualsiasi momento nel futuro. Desidera che contattiamo le suddette autorità in questo momento?

**SÌ (YES)**

**NO (NO)**

Nome in stampatello: \_\_\_\_\_  
Printed Name

Testimone: \_\_\_\_\_  
Witness

Firma: \_\_\_\_\_  
Signature

Data: \_\_\_\_\_  
Date

---

## ***Statement 2:*** **For Foreign Nationals from “Mandatory Notification” Countries**

In virtù della Sua cittadinanza, siamo obbligati a formalmente avvisare le autorità consolari competenti del Suo Paese presenti negli Stati Uniti d’America, che Lei è stato arrestato o detenuto. Lo faremo al più presto possibile. Inoltre, può comunicare con i suddetti funzionari, e benché non sia tenuto ad accettare la loro assistenza, essi potrebbero, fra l’altro, assisterLa ad assumere un avvocato, contattare la Sua famiglia, o visitarLa durante lo stato di detenzione. La preghiamo di apporre la Sua firma nello spazio indicato qui sotto a conferma di aver ricevuto questo avviso.

Nome in stampatello: \_\_\_\_\_  
Printed Name

Testimone: \_\_\_\_\_  
Witness

Firma: \_\_\_\_\_  
Signature

Data: \_\_\_\_\_  
Date

# JAPANESE

## *Statement 1:*

### **For All Foreign Nationals Except Those from “Mandatory Notification” Countries**

逮捕もしくは拘留された非米国市民として、あなたは、当局が米国にあるあなたの国の領事館の係官にあなたの置かれている状況について通知するよう要請してもいいです。また、あなたの国の領事館の係官と連絡を取ってもいいです。領事館の係官はあなたが弁護人を手配するのを助けることができるかもしれませんが、他にもいろいろありますが、ご家族に接触したり拘留中のあなたを訪ねることもあります。もし当局があなたの国の領事館の係官に通知することをお望みなら、今、または今後いつでも、この通知を要請できます。この機会に、あなたの国の領事館の係官に当局から通知してほしいですか？

はい (YES)

いいえ (NO)

名前の活字体表記: \_\_\_\_\_

Printed Name

署名: \_\_\_\_\_

Signature

証人: \_\_\_\_\_

Witness

日付: \_\_\_\_\_

Date

## *Statement 2:*

### **For Foreign Nationals from “Mandatory Notification” Countries**

あなたの国籍のゆえに、当局はあなたが逮捕もしくは拘留されたことを米国にあるあなたの国の領事館の係官に通知しなければなりません。できるだけ早くそうします。加えて、あなたは、あなたの国の領事館の係官と連絡を取ってもいいです。係官の助けを受け入れる義務はありませんが、あなたの国の領事館の係官はあなたが弁護人を手配するのを助けることができるかもしれませんが、他にもいろいろありますが、ご家族に接触したり拘留中のあなたを訪ねることもあります。この情報を受理した証に署名をしてください。

名前の活字体表記: \_\_\_\_\_

Printed Name

署名: \_\_\_\_\_

Signature

証人: \_\_\_\_\_

Witness

日付: \_\_\_\_\_

Date

# KOREAN

## **Statement 1: For All Foreign Nationals Except Those from “Mandatory Notification” Countries**

귀하는 비 미국 국적인으로서 현재 체포, 또는 구금 중이므로, 귀하는 당 기관으로 하여금 미합중국 내에 있는 귀하 국가의 영사관 직원에게 귀하의 상황에 관하여 통보를 하도록 요청할 수 있습니다. 귀하는, 또한, 귀하 국가의 영사관 직원과 통신할 수도 있습니다. 영사관 직원은 귀하로 하여금 법적 대리인을 선임할 수 있도록 도움을 줄 수 있으며, 무엇보다도, 귀하의 가족과 연락하며 구금 중인 귀하를 방문할 수 있습니다. 귀하 국가의 영사관 직원에게 당 기관으로 하여금 통보하도록 원하신다면, 귀하는 지금이나, 향후 언제라도 그러한 통보를 요청하실 수 있습니다. 귀하는 바로 지금 귀하 국가의 영사관 직원에게 당 기관이 통보하는 것을 원하십니까?

예 (YES)

아니오 (NO)

인쇄체 성명: \_\_\_\_\_  
Printed Name  
서명: \_\_\_\_\_  
Signature

증인: \_\_\_\_\_  
Witness  
일자: \_\_\_\_\_  
Date

## **Statement 2: For Foreign Nationals from “Mandatory Notification” Countries**

귀하의 국적을 사유로 하여, 당 기관은 미합중국 내에 있는 귀하 국가의 영사관 직원에게 귀하가 체포, 또는 구금되었다는 사실을 통보할 의무가 있습니다. 당 기관은 이러한 통보를 가능한 한 조속히 실행할 것입니다. 이에 추가하여, 귀하는 귀하 국가의 영사관 직원과 통신할 권리가 있습니다. 귀하는 그들의 협조를 반드시 받을 필요는 없으나 영사관 직원은 귀하로 하여금 법적 대리인을 선임할 수 있도록 도움을 줄 수 있으며, 무엇보다도, 귀하의 가족과 연락하며 구금 중인 귀하를 방문할 수 있습니다. 귀하가 이러한 안내 설명을 이미 들었다는 표시로서 아래에 서명하십시오.

인쇄체 성명: \_\_\_\_\_  
Printed Name  
서명: \_\_\_\_\_  
Signature

증인: \_\_\_\_\_  
Witness  
일자: \_\_\_\_\_  
Date

# LAO

## Statement 1: For All Foreign Nationals Except Those from “Mandatory Notification” Countries

ໃນຖານະທີ່ທ່ານບໍ່ຖືສັນຊາດອະເມຣິກັນ ທີ່ຖືກຈັບ ຫລື ຖືກກັກ ໂຕ ທ່ານອາດສາມາດຂໍຮ້ອງໃຫ້ພວກເຮົາ ແຈ້ງໄປທາງ ເຈົ້າໜ້າທີ່ກົງສູນຂອງທ່ານຢູ່ໃນສະຫະລັດອະເມຣິກາຊາບ ເພື່ອພິຈາລະນາສະພາບການຂອງທ່ານ. ທ່ານອາດສາມາດຕິດຕໍ່ກັບເຈົ້າໜ້າທີ່ກົງສູນຂອງທ່ານໄດ້. ເຈົ້າໜ້າທີ່ກົງສູນ ນອກຈາກວຽກງານປະຈຳແລ້ວ ອາດສາມາດຊ່ວຍຫາທະນາຍຄວາມ, ຊ່ວຍຕິດຕໍ່ຄອບຄົວຂອງທ່ານ ແລະມາຢ້ຽມຢາມທ່ານໃນຂະນະທີ່ຖືກກັກ ໂຕຢູ່. ຖ້າທ່ານຕ້ອງການ ໃຫ້ພວກເຮົາແຈ້ງໄປທາງເຈົ້າໜ້າທີ່ກົງສູນຂອງທ່ານຊາບ ທ່ານຄວນຍື່ນຄຳຮ້ອງໃຫ້ ພວກເຮົາ ໃນເວລານີ້ ຫລືໃນອະນາຄົດກໍໄດ້. ທ່ານຕ້ອງການໃຫ້ພວກເຮົາແຈ້ງໄປທາງເຈົ້າໜ້າທີ່ກົງສູນຂອງ ທ່ານໃນເວລານີ້ບໍ່?

ຕ້ອງການ (YES)

ບໍ່ຕ້ອງການ (NO)

ພິມຊື່: \_\_\_\_\_  
Printed Name

ຊ້ອງໜ້າ: \_\_\_\_\_  
Witness

ລາຍເຊັນ: \_\_\_\_\_  
Signature

ວັນທີ: \_\_\_\_\_  
Date

## Statement 2: For Foreign Nationals from “Mandatory Notification” Countries

ຍ້ອນສັນຊາດຂອງທ່ານ ພວກເຮົາຈຳເປັນຕ້ອງແຈ້ງໃຫ້ເຈົ້າໜ້າທີ່ກົງສູນຂອງປະເທດຂອງທ່ານຢູ່ໃນ ສະຫະລັດ ອະເມຣິກາຊາບວ່າ ທ່ານຖືກຈັບ ຫລື ຖືກກັກ ໂຕ. ພວກເຮົາຈະພະຍາຍາມດຳເນີນເລື່ອງ ຂອງທ່ານໃຫ້ໄວທີ່ສຸດ ເທົ່າທີ່ຈະໄວໄດ້. ທ່ານອາດສາມາດຕິດຕໍ່ກັບເຈົ້າໜ້າທີ່ກົງສູນຂອງທ່ານໄດ້. ທ່ານບໍ່ຈຳເປັນຈະຕ້ອງຮັບເອົາຄວາມ ຊ່ວຍເຫລືອຈາກຂະເຈົ້າ, ແຕ່ທາງເຈົ້າໜ້າທີ່ກົງສູນ ນອກຈາກວຽກງານປະຈຳແລ້ວ ອາດສາມາດຊ່ວຍຫາ ທະນາຍຄວາມ, ຊ່ວຍຕິດຕໍ່ຄອບຄົວຂອງທ່ານ ແລະ ມາຢ້ຽມຢາມທ່ານໃນຂະນະທີ່ຖືກກັກ ໂຕຢູ່. ກະລຸນາເຊັນຮັບ ຂ້າງລຸ່ມນີ້ ວ່າທ່ານໄດ້ຮັບຮູ້ຂໍ້ມູນນີ້.

ພິມຊື່: \_\_\_\_\_  
Printed Name

ຊ້ອງໜ້າ: \_\_\_\_\_  
Witness

ລາຍເຊັນ: \_\_\_\_\_  
Signature

ວັນທີ: \_\_\_\_\_  
Date

# POLISH

## ***Statement 1:*** **For All Foreign Nationals Except Those from “Mandatory Notification” Countries**

Jako osoba nie będąca obywatelem USA, która zostaje aresztowana lub zatrzymana, może Pan(i) poprosić abyśmy powiadomili o Pana(i) sytuacji urzędników konsularnych Pana(i) kraju w Stanach Zjednoczonych. Może Pan(i) także komunikować się z tymi urzędnikami konsularnymi. Urzędnik konsularny może być w stanie pomóc Panu(i) w uzyskaniu porady prawnej oraz może m. in. powiadomić Pana(i) rodzinę i odwiedzić Pana(i) w areszcie. Jeśli życzy sobie Pan(i), abyśmy powiadomili urzędników konsularnych Pana(i) kraju, może Pan(i) poprosić o takie powiadomienie teraz lub w dowolnej chwili w przyszłości. Czy chce Pan(i), abyśmy niezwłocznie powiadomili urzędników konsularnych Pana(i) kraju?

TAK (YES)

NIE (NO)

Imię i nazwisko: \_\_\_\_\_  
Printed Name

Świadek: \_\_\_\_\_  
Witness

Podpis: \_\_\_\_\_  
Signature

Data: \_\_\_\_\_  
Date

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## ***Statement 2:*** **For Foreign Nationals from “Mandatory Notification” Countries**

Ze względu na Pana(i) narodowość, mamy obowiązek powiadomić urzędników konsularnych Pana(i) kraju w Stanach Zjednoczonych o tym, że został Pan(i) aresztowany lub zatrzymany. Zrobimy to możliwie jak najszybciej. Ponadto może Pan(i) komunikować się z tymi urzędnikami konsularnymi. Nie ma Pan(i) obowiązku przyjąć ich pomocy, ale mogą oni być w stanie pomóc Panu(i) w uzyskaniu porady prawnej i mogą m. in. powiadomić Pana(i) rodzinę oraz odwiedzić Pana(i) w areszcie. Proszę potwierdzić otrzymanie tych informacji swoim podpisem.

Imię i nazwisko: \_\_\_\_\_  
Printed Name

Świadek: \_\_\_\_\_  
Witness

Podpis: \_\_\_\_\_  
Signature

Data: \_\_\_\_\_  
Date

# PORTUGUESE

***Statement 1:***  
**For All Foreign Nationals Except Those from  
“Mandatory Notification” Countries**

Como não-cidadão dos Estados Unidos que está sendo preso ou detido, você pode requerer que notifiquemos os funcionários consulares de seu país aqui nos Estados Unidos sobre a sua situação. Você pode se comunicar com os funcionários consulares de seu país. Um funcionário consular poderá, entre outros, ajudá-lo(a) a obter assistência jurídica, contatar sua família e visitá-lo(a) na prisão. Se desejar que notifiquemos os funcionários consulares de seu país, pode solicitá-lo já ou a qualquer momento no futuro. Você deseja que notifiquemos os funcionários consulares já?

SIM (YES)

NÃO (NO)

Nome por extenso: \_\_\_\_\_  
Printed Name

Testemunha: \_\_\_\_\_  
Witness

Assinatura: \_\_\_\_\_  
Signature

Data: \_\_\_\_\_  
Date

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***Statement 2:***  
**For Foreign Nationals from  
“Mandatory Notification” Countries**

Devido à sua nacionalidade, somos obrigados a notificar os funcionários consulares de seu país aqui nos Estados Unidos que você foi preso ou detido, o que faremos assim que possível. Ademais, você pode se comunicar com os funcionários consulares de seu país. Você não é obrigado(a) a aceitar a ajuda deles, mas os funcionários consulares poderão, entre outros, ajudá-lo(a) a obter assistência jurídica, contatar sua família e visitá-lo(a) na prisão. Favor assinar indicando que recebeu esta informação.

Nome por extenso: \_\_\_\_\_  
Printed Name

Testemunha: \_\_\_\_\_  
Witness

Assinatura: \_\_\_\_\_  
Signature

Data: \_\_\_\_\_  
Date

## RUSSIAN

### *Statement 1:*

#### **For All Foreign Nationals Except Those from “Mandatory Notification” Countries**

В случае ареста или задержания Вы, не будучи гражданином США, вправе потребовать, чтобы мы уведомили представителей Вашего консульства в Соединённых Штатах о Вашей ситуации. Вы также имеете право находиться в контакте с представителями Вашего консульства. Сотрудник Вашего консульства может оказать Вам содействие в найме адвоката или юрисконсульта, связаться с Вашей семьёй, посетить Вас в месте задержания и т.п. Если Вы желаете, чтобы мы уведомили представителей Вашего консульства, с требованием об этом можно обратиться сейчас или в любое время в дальнейшем. Хотите ли Вы, чтобы мы уведомили представителей Вашего консульства сейчас?

Да (YES)

Нет (NO)

Имя/фамилия: \_\_\_\_\_  
Printed Name

Свидетель: \_\_\_\_\_  
Witness

Подпись: \_\_\_\_\_  
Signature

Дата: \_\_\_\_\_  
Date

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### *Statement 2:*

#### **For Foreign Nationals from “Mandatory Notification” Countries**

В связи с Вашим гражданством, мы обязаны уведомить консульское учреждение Вашего государства в Соединённых Штатах о том, что Вы арестованы или задержаны. Это будет сделано при первой возможности. Вы также имеете право находиться в контакте с представителями Вашего консульства. Вы не обязаны принимать помощь от представителя консульства, но он может оказать Вам содействие в найме адвоката или юрисконсульта, связаться с Вашей семьёй, посетить Вас в месте задержания и т.п. Ваша подпись засвидетельствует то, что настоящая информация была Вами получена.

Имя/фамилия: \_\_\_\_\_  
Printed Name

Свидетель: \_\_\_\_\_  
Witness

Подпись: \_\_\_\_\_  
Signature

Дата: \_\_\_\_\_  
Date

## SPANISH

***Statement 1:***  
**For All Foreign Nationals Except Those from  
“Mandatory Notification” Countries**

Por no ser ciudadano de los Estados Unidos, y estar arrestado o detenido, usted puede pedirnos que notifiquemos de su situación a los funcionarios consulares de su país en los Estados Unidos. También puede comunicarse con los funcionarios consulares de su país. Entre otras cosas, un funcionario consular de su país puede ayudarle a conseguir asesoramiento legal, y también puede ponerse en contacto con su familia y visitarle en el lugar de detención. Si usted desea que notifiquemos a los funcionarios consulares de su país, puede solicitarlo ahora o en cualquier oportunidad en el futuro. ¿Desea que notifiquemos ahora a los funcionarios consulares de su país?

SÍ (YES)

NO (NO)

Nombre: \_\_\_\_\_  
Printed Name

Testigo: \_\_\_\_\_  
Witness

Firma: \_\_\_\_\_  
Signature

Fecha: \_\_\_\_\_  
Date

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***Statement 2:***  
**For Foreign Nationals from  
“Mandatory Notification” Countries**

Debido a su nacionalidad, estamos obligados a notificar a los funcionarios consulares de su país en los Estados Unidos que usted ha sido arrestado o detenido. Haremos esta notificación lo más pronto posible. Además, usted puede comunicarse con los funcionarios consulares de su país. Usted no está obligado a aceptar su ayuda, pero esos funcionarios pueden ayudarle, entre otras cosas, a conseguir asesoramiento legal, y también pueden ponerse en contacto con su familia y visitarle en el lugar de detención. Sírvase firmar para indicar que ha recibido esta información.

Nombre: \_\_\_\_\_  
Printed Name

Testigo: \_\_\_\_\_  
Witness

Firma: \_\_\_\_\_  
Signature

Fecha: \_\_\_\_\_  
Date

## TAGALOG (FILIPINO)

### ***Statement 1: For All Foreign Nationals Except Those from “Mandatory Notification” Countries***

Kung kayo’y maaresto o madetained dito sa Amerika, at kahit na hindi naman kayo U.S. Citizen, maaari ninyong ipakiusap na ipagbigay alam ang nangyaring ito sa inyo, sa consular officer ng Philippine Embassy na narito sa Amerika. Puwede ring kayo na mismo ang kumontak sa Philippine Embassy. Maaaring kayong magpatulong sa mga namamahala ng ganitong kaso sa Embahada ng Pilipinas , na maghanap ng makakahawak ng inyong kaso, magkaroon ng isang makakakontak sa inyong kamag-anakan, para kayo’y madalaw o mapuntahan sa inyong kinaroroonan at nang may makapag-asikaso ng mga dapat gawin. At kung gusto na ninyo silang kontakin, ngayon mismo o kung kailan ninyo gusto, magsabi lang kayo. Gusto na ba ninyong ipagbigay alam namin sa Philippine Embassy ang tungkol sa inyo? Gusto ba ninyong kontakin na namin sila?

Opo (YES)

Huwag na p o. (NO)

i-print ang buong pangalan: \_\_\_\_\_

Printed Name

Pirma: \_\_\_\_\_

Signature

Testigo: \_\_\_\_\_

Witness

Petsa: \_\_\_\_\_

Date

---

### ***Statement 2:***

### **For Foreign Nationals from “Mandatory Notification” Countries**

Dahil sa kayo’y Taga Pilipinas, kailangan po naming ipagbigay alam sa Philippine Embassy dito sa Amerika na kayo’y naaresto o nakadetained. Kailangan ho naming gawin ito sa lalong madaling panahon . Puwede rin naman na kontakin ninyo ang Philippine Embassy. Hindi ho naman kailangang magpatulong kayo sa kanila , Pero baka ho naman may maitulong sila sa inyong makahanap ng hahawak ng inyong kaso, O kaya’y kontakin ang inyong kamag-anakan nang madalaw o mapuntahan kayo sa inyong kinaroroonan. At matulungan kayo tungkol sa mga iba pang bagay. Pir ahan ninyo ito bilang pagpapatunay na itong impormasyong ito’y nakarating, sinabi at ipinaliwanag sa inyo.

i-print ang buong pangalan: \_\_\_\_\_

Printed Name

Pirma: \_\_\_\_\_

Signature

Testigo: \_\_\_\_\_

Witness

Petsa: \_\_\_\_\_

Date

# THAI

## **Statement 1: For All Foreign Nationals Except Those from “Mandatory Notification” Countries**

ในฐานะบุคคลที่มีได้ถือสัญชาติสหรัฐซึ่งถูกจับหรือถูกคุมขังอยู่  
ท่านอาจขอร้องให้เราแจ้งแก่เจ้าหน้าที่กงสุลจากประเทศของท่านซึ่งประจำอยู่ในสหรัฐให้ทราบ  
ถึง สถานะของท่าน ท่านอาจติดต่อกับเจ้าหน้าที่กงสุลของท่าน  
โดยเจ้าหน้าที่กงสุลอาจสามารถ ช่วยท่านจัดหาตัวแทนทางกฎหมาย  
ติดต่อกับครอบครัวของท่าน และมาเยี่ยมท่านใน ที่คุมขังเหล่านี้เป็นต้น  
หากต้องการให้เราแจ้งเจ้าหน้าที่กงสุลของท่าน ก็สามารถขอให้ เราดำเนินการได้ในบัดนี้  
หรือเมื่อใดก็ตามในภายหลัง ท่านต้องการให้เราแจ้งเจ้าหน้าที่  
กงสุลของท่านในเวลานี้เลยหรือไม่

ต้องการ (YES)

ไม่ต้องการ (NO)

ชื่อตัวบรรจง: \_\_\_\_\_  
Printed Name

พยาน: \_\_\_\_\_  
Witness

ลายเซ็น: \_\_\_\_\_  
Signature

วันที่: \_\_\_\_\_  
Date

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## **Statement 2: For Foreign Nationals from “Mandatory Notification” Countries**

เนื่องจากสัญชาติที่ท่านถืออยู่ เราจำเป็นต้องแจ้งแก่เจ้าหน้าที่กงสุลจากประเทศของ  
ท่านซึ่งประจำอยู่ในสหรัฐให้ทราบว่าท่านถูกจับหรือถูกคุมขังอยู่ โดยจะแจ้งโดยเร็วที่สุด  
นอกจากนี้ ท่านอาจติดต่อกับเจ้าหน้าที่กงสุลของท่าน โดยท่านไม่จำเป็นต้อง  
รับความช่วยเหลือจากเจ้าหน้าที่กงสุล แต่เจ้าหน้าที่กงสุลอาจสามารถช่วยท่านจัดหา  
ตัวแทนทางกฎหมาย ติดต่อกับครอบครัวของท่าน และมาเยี่ยมท่านในที่คุมขัง เหล่านี้ เป็นต้น  
โปรดลงลายเซ็นเพื่อแสดงว่าท่านได้รับทราบข้อความข้างต้นนี้

ชื่อตัวบรรจง: \_\_\_\_\_  
Printed Name

พยาน: \_\_\_\_\_  
Witness

ลายเซ็น: \_\_\_\_\_  
Signature

วันที่: \_\_\_\_\_  
Date

# VIETNAMESE

## ***Statement 1:*** **For All Foreign Nationals Except Those from “Mandatory Notification” Countries**

Là người không có quốc tịch Hoa Kỳ, hiện đang bị bắt hay bị giam, Ông/Bà có quyền yêu cầu chúng tôi thông báo cho các viên chức lãnh sự của nước Ông/Bà tại Hoa Kỳ về hoàn cảnh của Ông/Bà. Ông/Bà cũng có thể liên lạc với các viên chức lãnh sự của nước Ông/Bà. Viên chức lãnh sự có thể giúp Ông/Bà tìm người đại diện pháp lý, có thể liên lạc với gia đình Ông/Bà và tới thăm Ông/Bà trong nhà giam, ngoài các việc khác. Nếu muốn chúng tôi thông báo cho các viên chức lãnh sự của nước Ông/Bà thì Ông/Bà có thể yêu cầu thông báo ngay bây giờ, hay bất cứ lúc nào sau này. Ông/Bà có muốn chúng tôi thông báo cho các viên chức lãnh sự quán nước mình vào lúc này không?

CÓ (YES)

KHÔNG (NO)

Tên viết hoa: \_\_\_\_\_  
Printed Name

Người làm chứng: \_\_\_\_\_  
Witness

Ký tên: \_\_\_\_\_  
Signature

Ngày tháng: \_\_\_\_\_  
Date

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## ***Statement 2:*** **For Foreign Nationals from “Mandatory Notification” Countries**

Vì lý do quốc tịch của Ông/Bà, chúng tôi bắt buộc phải thông báo cho các viên chức lãnh sự của nước Ông/Bà ở Hoa Kỳ là Ông/Bà đã bị bắt hay bị giam. Chúng tôi sẽ thi hành việc này ngay. Ngoài ra, Ông/Bà có quyền liên lạc với các viên chức lãnh sự của nước Ông/Bà. Ông/Bà không bắt buộc phải nhận sự giúp đỡ của họ, nhưng các viên chức lãnh sự này có thể giúp Ông/Bà tìm người đại diện pháp lý, và có thể liên lạc với gia đình Ông/Bà tới thăm Ông/Bà trong nhà giam, ngoài các việc khác. Xin ký tên để chứng tỏ ông bà đã nhận được thông tin này.

Tên viết hoa: \_\_\_\_\_  
Printed Name

Người làm chứng: \_\_\_\_\_  
Witness

Ký tên: \_\_\_\_\_  
Signature

Ngày tháng: \_\_\_\_\_  
Date

**FAX SHEET – CONSULAR NOTIFICATION**

**SUBJECT:**

**NOTIFICATION OF ARREST OR DETENTION OF A NATIONAL OF YOUR COUNTRY**

**DATE/TIME:** \_\_\_\_\_

**TO:** Embassy/Consulate of \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_  
(COUNTRY) (CITY) (STATE)

**FROM:**

Name/Office \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone (\_\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_\_) \_\_\_\_\_

***We arrested/detained the following foreign national, who we understand is a***

***national of your country, on \_\_\_\_\_ .***  
(DATE)

Name: \_\_\_\_\_

Date of Birth/Place of Birth: \_\_\_\_\_

Nationality/Country: \_\_\_\_\_

Passport Issuing Nation: \_\_\_\_\_

Passport Number: \_\_\_\_\_

***This person has been or may be charged with the following offense(s):***

\_\_\_\_\_

For more information, **please call** \_\_\_\_\_ between the hours of \_\_\_\_\_.

Please refer to **case number** \_\_\_\_\_ when you call.

ADDITIONAL INFORMATION:

**FAX SHEET – CONSULAR NOTIFICATION**

**SUBJECT:**

**NOTIFICATION OF POSSIBLE APPOINTMENT OF GUARDIAN OR TRUSTEE**

**DATE/TIME:** \_\_\_\_\_

**TO:**

Embassy/Consulate of \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_  
(COUNTRY) (CITY) (STATE)

**FROM:**

Name/Office \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone (\_\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_\_) \_\_\_\_\_

**Steps are being taken for the possible appointment of a guardian or trustee for the following foreign national, who we understand is a national of your country and who appears to be either a:**

*minor child*                      **OR**                      *an adult lacking full capacity.*

**(CIRCLE ONE)**

Name: \_\_\_\_\_

Date of Birth/Place of Birth: \_\_\_\_\_

Nationality/Country: \_\_\_\_\_

Passport Issuing Nation: \_\_\_\_\_

Passport Number: \_\_\_\_\_

**A HEARING IS SCHEDULED FOR:**

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ AT \_\_\_\_\_ a.m./p.m.  
(DAY) (MONTH) (YEAR) (TIME) (CIRCLE)

**FAX SHEET – CONSULAR NOTIFICATION**

**SUBJECT:**

**NOTIFICATION OF DEATH, SERIOUS INJURY OR ILLNESS OF A NATIONAL OF YOUR COUNTRY**

**DATE/TIME:** \_\_\_\_\_

**TO:** Embassy/Consulate of \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_  
(COUNTRY) (CITY) (STATE)

**FROM:**

Name/Office \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone (\_\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_\_) \_\_\_\_\_

**The following individual, who we understand is a national of your country:**

*has died, was seriously injured, **OR** is seriously ill within our jurisdiction.*

*(CIRCLE ONE)*

Name: \_\_\_\_\_

Date of Birth/Place of Birth: \_\_\_\_\_

Nationality/Country: \_\_\_\_\_

Passport Issuing Nation: \_\_\_\_\_

Passport Number: \_\_\_\_\_

Date of Death: \_\_\_\_\_ Place of Death: \_\_\_\_\_

Apparent Cause of Death: \_\_\_\_\_

For more information, **please call** \_\_\_\_\_ between the hours of \_\_\_\_\_.

Please refer to **case number** \_\_\_\_\_ when you call.

**ADDITIONAL INFORMATION:**

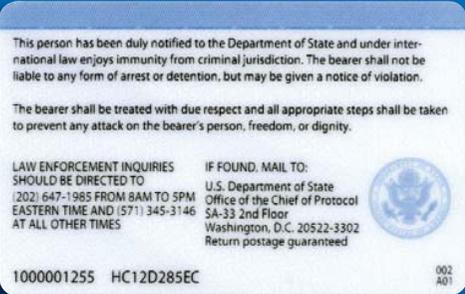
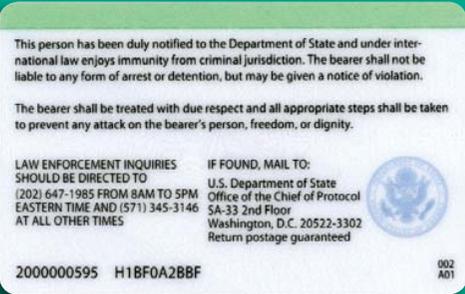
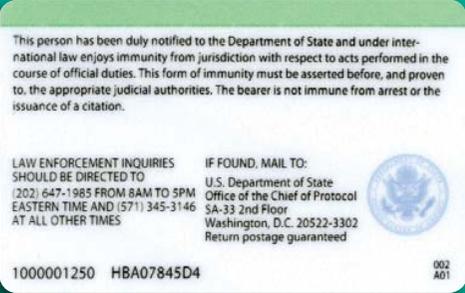
# IDENTIFICATION CARDS

## DIPLOMATIC AND CONSULAR OFFICER IDENTIFICATION CARDS

The Department of State's Office of Protocol issues identification documents to diplomatic and consular officers and other foreign government personnel stationed in the United States on official business, and who are entitled to some degree of diplomatic or consular immunity. These identification cards can help you ensure that persons seeking to visit detainees at your facility for purposes of consular access are in fact authorized to perform consular functions in the United States on behalf of a foreign government.

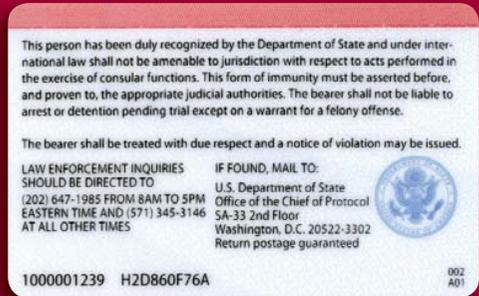
During business hours (8:15 a.m. to 5:00 p.m. Eastern), you may direct any questions regarding an individual's official status or immunity to the Department's Office of Protocol at (202) 647-1985. After hours, you may direct such questions to the Department's Bureau of Diplomatic Security at (202) 647-7277, (571) 345-3146, or (866) 217-2089, or send a fax to (202) 895-3613. You may also consult [www.state.gov/m/ds/immunities/c9118.htm](http://www.state.gov/m/ds/immunities/c9118.htm).

Below are samples of the different types of diplomatic and consular identification cards. Because different degrees of immunity exist, you should carefully read the back of the card.

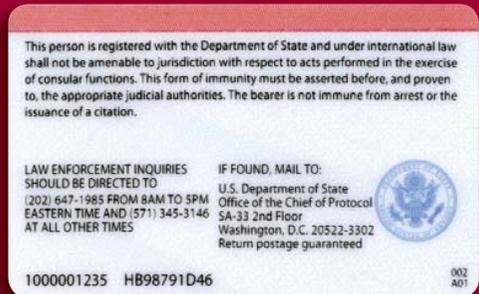
<p>★ UNITED STATES DEPARTMENT OF STATE ★</p> <p><b>DIPLOMATIC IDENTIFICATION CARD</b></p> <p>PH: 4009-1702-02 Expires: 05/22/2002</p> <p>Mission: CURIPANIA EMBASSY</p> <p>Name: DIPLOMAT, AMANDA DOB: 01/01/2002 Title: AMBASSADOR E. &amp; P.</p> <p>Location: WASHINGTON, DC</p> <p>SEE REVERSE SIDE FOR STATEMENT OF IMMUNITY</p> 	<p>This person has been duly notified to the Department of State and under international law enjoys immunity from criminal jurisdiction. The bearer shall not be liable to any form of arrest or detention, but may be given a notice of violation.</p> <p>The bearer shall be treated with due respect and all appropriate steps shall be taken to prevent any attack on the bearer's person, freedom, or dignity.</p> <p>LAW ENFORCEMENT INQUIRIES SHOULD BE DIRECTED TO (202) 647-1985 FROM 8AM TO 5PM EASTERN TIME AND (571) 345-3146 AT ALL OTHER TIMES</p> <p>IF FOUND, MAIL TO: U.S. Department of State Office of the Chief of Protocol SA-33 2nd Floor Washington, D.C. 20522-3302 Return postage guaranteed</p> <p>1000001255 HC12D285EC</p> <p>002 A01</p> 	<p><b>BLUE</b> bordered cards are issued to diplomatic officers and their families. They are entitled to full criminal immunity and may not be arrested or detained.</p>
<p>★ UNITED STATES DEPARTMENT OF STATE ★</p> <p><b>OFFICIAL IDENTIFICATION CARD</b></p> <p>PH: 4009-1702-02 Expires: 05/22/2002</p> <p>Mission: CURIPANIA EMBASSY</p> <p>Name: DIPLOMAT, AMANDA DOB: 01/01/2002 Title: ADMINISTRATIVE STAFF</p> <p>Location: WASHINGTON, DC</p> <p>SEE REVERSE SIDE FOR STATEMENT OF IMMUNITY</p> 	<p>This person has been duly notified to the Department of State and under international law enjoys immunity from criminal jurisdiction. The bearer shall not be liable to any form of arrest or detention, but may be given a notice of violation.</p> <p>The bearer shall be treated with due respect and all appropriate steps shall be taken to prevent any attack on the bearer's person, freedom, or dignity.</p> <p>LAW ENFORCEMENT INQUIRIES SHOULD BE DIRECTED TO (202) 647-1985 FROM 8AM TO 5PM EASTERN TIME AND (571) 345-3146 AT ALL OTHER TIMES</p> <p>IF FOUND, MAIL TO: U.S. Department of State Office of the Chief of Protocol SA-33 2nd Floor Washington, D.C. 20522-3302 Return postage guaranteed</p> <p>2000000595 H1BF0A2BBF</p> <p>002 A01</p> 	<p><b>GREEN</b> bordered cards are issued to embassy administrative and technical staff employees and their families. This card signifies that the bearer is entitled to full criminal immunity and may not be arrested or detained.</p>
<p>★ UNITED STATES DEPARTMENT OF STATE ★</p> <p><b>OFFICIAL IDENTIFICATION CARD</b></p> <p>PH: 4009-1702-02 Expires: 05/22/2002</p> <p>Mission: CURIPANIA EMBASSY</p> <p>Name: DIPLOMAT, AMANDA DOB: 01/01/2002 Title: SECURITY GUARD</p> <p>Location: WASHINGTON, DC</p> <p>SEE REVERSE SIDE FOR STATEMENT OF IMMUNITY</p> 	<p>This person has been duly notified to the Department of State and under international law enjoys immunity from jurisdiction with respect to acts performed in the course of official duties. This form of immunity must be asserted before, and proven to, the appropriate judicial authorities. The bearer is not immune from arrest or the issuance of a citation.</p> <p>LAW ENFORCEMENT INQUIRIES SHOULD BE DIRECTED TO (202) 647-1985 FROM 8AM TO 5PM EASTERN TIME AND (571) 345-3146 AT ALL OTHER TIMES</p> <p>IF FOUND, MAIL TO: U.S. Department of State Office of the Chief of Protocol SA-33 2nd Floor Washington, D.C. 20522-3302 Return postage guaranteed</p> <p>1000001250 HBA07845D4</p> <p>002 A01</p> 	<p><b>GREEN</b> bordered cards are issued to embassy service staff employees. This card signifies that the bearer is entitled to immunity for official acts only.</p>

# IDENTIFICATION CARDS

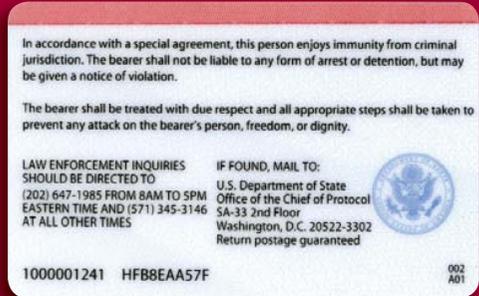
**RED** bordered cards are issued to career consular officers. This card signifies that the bearer is entitled to immunity for official acts only.



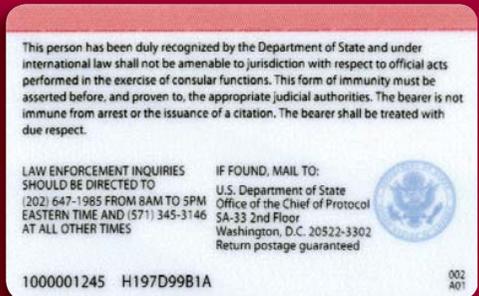
**RED** bordered cards are issued to career consular employees. This card signifies that the bearer is entitled to immunity for official acts only.



**RED** bordered cards are issued to consular officers/employees and their families from countries with which the U.S. has special agreements. They are entitled to full criminal immunity and may not be arrested or detained.



**RED** bordered cards are issued to honorary consular officers. This card signifies that the bearer is entitled to limited immunity for official acts only.



### PART SIX: CONSULAR NOTIFICATION AND ACCESS MODEL STANDARD OPERATING PROCEDURE

In the pages that follow you will find a model standard operating procedure and written guidelines for law enforcement agencies.

- ▶ **Policy**
- ▶ **Definitions**
- ▶ **Consular Notification Procedures**
- ▶ **Facility Access and Visitation Privileges of Consular Officers**
- ▶ **Documentation and Recordkeeping**
- ▶ **Death, Serious Injury, or Serious Illness of a Foreign National**
- ▶ **References**

The obligations of consular notification and access are not codified in any federal statute. Implementing legislation is not necessary because executive, law enforcement, and judicial authorities can implement these obligations through their existing powers on the basis of the relevant international agreements and written guidance such as this manual. Implementation may also be facilitated through issuance of internal directives, orders, or similar instructions by appropriate federal, state, and local officials to their subordinates. For example, many local police departments incorporate instructions on consular notification into their internal manuals.

The Department of State strongly encourages all law enforcement agencies to develop standard operating procedures for complying with consular notification and access requirements. Such procedures help your agency avoid costly litigation and diplomatic complaints. Moreover, a written directive governing procedures for assuring compliance with consular notification and access requirements is now required for accreditation by the Commission on Accreditation for Law Enforcement Agencies (CALEA).<sup>138</sup>

The model standard operating procedure (SOP) below is intended for law enforcement agencies to use as a template.

Please add or remove language to best fit your agency's needs. The Department of State does not intend this model SOP to be a complete or comprehensive restatement of the United States' international legal obligations under the VCCR or any bilateral agreement. Instead, the model SOP provides one set of suggested procedures that, if followed, will in most cases ensure that your department or agency complies with the law on consular notification and access. Going through the procedures precisely as outlined in the model SOP is not necessarily the only means by which your agency can ensure compliance with this body of law. For a more complete description of the legal regime governing consular notification and access, including many of its nuances, you should read Parts One through Four of this manual.

Questions and comments about the model SOP can be emailed to [consnot@state.gov](mailto:consnot@state.gov). A version of the model SOP reflecting any updates that may have occurred subsequent to this manual's publication is available for download at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification).

<sup>138</sup> See CALEA *Standards for Law Enforcement Agencies* (5th ed. 2006), standard 1.1.4, available at <http://www.calea.org>.

## ARRESTS/DETENTIONS/DEATHS/SERIOUS INJURIES OF FOREIGN NATIONALS

### STATEMENT OF PURPOSE

The purpose of this Standard Operating Procedure is to provide written policies and procedures on the arrest, detention, death, or serious injury of foreign nationals.

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### INDEX

- A. Policy
- B. Definitions
- C. Consular Notification Procedures
- D. Facility Access/Visitation Privileges of Consular Officials
- E. Documentation/Recordkeeping
- F. Death, Serious Injury, or Serious Illness of a Foreign National
- G. References

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### A. POLICY

It is the policy of **[NAME OF LAW ENFORCEMENT AGENCY]** to comply with all United States treaty obligations on consular notification and access.

### B. DEFINITIONS

1. Arrest or detention: Any arrest, detention, or other commitment to custody which results in a foreign national being incarcerated for more than a few hours triggers consular notification requirements. A brief traffic stop or an arrest resulting in a citation for a misdemeanor and release at the scene does not trigger such requirements. On the other hand, requiring a foreign national to accompany a law enforcement officer to a place of detention may trigger the consular notification requirements, particularly if the detention lasts for a number of hours or overnight. The longer a detention continues, the more likely it is that consular notification requirements are triggered.

2. Foreign national: Any person who is not a U.S. citizen; same as “alien.” Aliens who are lawful permanent residents in the United States and who have a resident alien registration card (“green card”) are foreign nationals. So are undocumented or “illegal” aliens.

3. Consular officer or consul: A foreign official authorized by the Department of State to provide assistance to the foreign government’s citizens in the United States. Different from “counsel,” which is an attorney authorized to provide legal advice. Consuls are not authorized to practice law.

4. Diplomat: A foreign official at the country’s embassy in Washington, D.C., assigned to represent the country. Diplomats may also perform consular functions, and should be treated the same as a consular officer.

5. “Mandatory” notification: Consular notification procedures that apply when you arrest or detain a foreign national from any of the 57 countries that have agreed to special rules with the United States. For such a foreign national, you must notify the consular officer regardless of whether the national requests or wants you to do so. The “mandatory” list of these 57 countries is at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification).

6. “Upon request” notification: Consular notification procedures that apply when you arrest or detain a foreign national from any country not on the “mandatory” list of 57 countries.

**C. CONSULAR NOTIFICATION PROCEDURES**

1. Obligation triggered at time of booking. The notification process will begin at the time the arrested foreign national is booked into the detention facility. The booking officer who processes the foreign national is responsible for implementing the notification process.
2. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport the foreign national travels. Absent citizenship documentation or other evidence to the contrary, accept the foreign national's own statement as to his or her nationality.
3. Determine whether or not this country is a mandatory notification ("list") country. If the foreign national's country is not on the list of "mandatory notification" countries, he or she is from an "upon request" country.
  - a. For foreign nationals whose country is on the list of mandatory notification countries:
    - i. Notify the nearest consulate of the foreign national's country via fax immediately or as soon as reasonably possible, and in no case longer than the end of the booking shift. Notify the consulate even if the foreign national does not want notification. Contact information for consulates is at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification).
    - ii. Never tell the consular officer that the foreign national has requested asylum. If the consular officer insists on information the foreign national does not want disclosed, contact your supervisor or the Department of State at (202) 647-4415.
    - iii. Inform the foreign national that you notified his or her consulate. You may use the sample statement, available in several languages, at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification).
  - iv. Make a note of the completed notification in the case file and keep the fax and fax confirmation sheet.
- b. For foreign nationals whose country is not on the list of mandatory notification countries:
  - i. As soon after the arrest as reasonably possible but no later than booking, inform the foreign national that he or she may have his or her consular officers notified of the arrest or detention. You may use the sample statement, available in several languages, at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification).
  - ii. Make a note of the foreign national's decision in the case file.
  - iii. If the foreign national requests notification, notify the nearest consulate of the foreign national's country as soon as reasonably possible but no later than 72 hours after arrest. Contact information for consulates is at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification).
  - iv. Never tell the consular officer that the foreign national has requested asylum. If the consular officer insists on information the foreign national does not want disclosed, contact your supervisor or the Department of State at (202) 647-4415.
  - v. Make a note of the completed notification in the case file and keep the fax and fax confirmation sheet.

**D. FACILITY ACCESS AND VISITATION PRIVILEGES OF CONSULAR OFFICERS**

1. Give consular officers and diplomats visiting a detained foreign national the same access privileges as attorneys visiting a client. Consular officers and diplomats are required to adhere to the same visitation guidelines, rules, and regulations as attorneys.
2. Consular officers and diplomats must have proper identification to gain facility access. They should be carrying identification cards issued by the Department of State. If you have reason to doubt the authenticity of the identification card, call the Department at (202) 647-1985 or after hours at (571) 345-3146 or (866) 217-2089.

**E. DOCUMENTATION AND RECORDKEEPING**

1. Document the consular notification and/or offer of notification in CJIS **[OR OTHER APPLICABLE RECORD SYSTEM]** on the foreign national's note screen.
2. Make the consular notification by fax if possible, and by telephone if not. Place a copy of the fax and fax confirmation receipt in the foreign national's file. You may use the sample fax sheet available at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification).
3. If notification must be made by telephone, note the name and location of the consulate notified, the name of the person to whom you gave the information, and the date and time of notification. Make an audio recording of the telephone call if possible and preserve it.

4. For foreign nationals from "upon request" countries, make a notation that you told the national that he or she may have the consulate notified, and note the national's response. Indicate the date and time of your offer and the national's response. You may use the sample statement at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification).
5. For foreign nationals from mandatory notification ("list") countries, make a notation that you told the national that you notified the consulate. You may use the sample statement at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification).
6. Print the note screen and include it in the paperwork for the foreign national's records file.
7. The supervisor will be responsible for ensuring the proper notations are made in the record.

**F. DEATH, SERIOUS INJURY, OR SERIOUS ILLNESS OF A FOREIGN NATIONAL**

8. **[NAME OF LAW ENFORCEMENT AGENCY]** will be subject to the guidelines outlined in **[AGENCY'S STANDARD OPERATING PROCEDURES]**.
9. In addition to the above procedures, when a foreign national dies, is seriously injured or becomes seriously ill, notify the nearest consulate of his or her country immediately or as soon as reasonably possible. Make such notification by fax if possible, and by telephone if not. You may use the sample fax sheet available at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification).

10. Document this notification in the incident report, and place a copy of the fax and the fax confirmation receipt in the foreign national's file.

**Signature of Law Enforcement Agency Head:**

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## G. REFERENCES

1. U.S. Department of State Publication 10969, *Consular Notification and Access: Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them* (3rd ed. 2010), available at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification).
2. Commission on Accreditation for Law Enforcement Agencies, *Standards for Law Enforcement Agencies* (5th ed. 2006), standard 1.1.4, available at [www.calea.org](http://www.calea.org).
3. American Correctional Association and Commission on Accreditation for Corrections Standards, *Performance-Based Standards for Adult Local Detention Facilities* (4th ed. 2004), p. 100 (standard 4-ALDF-6A-06), available at [www.aca.org/store/bookstore](http://www.aca.org/store/bookstore).

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## CONSULATE CONTACT INFORMATION

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SUBJECT TO CHANGE — FOR LATEST, VISIT [WWW.TRAVEL.STATE.GOV/CONSULARNOTIFICATION](http://WWW.TRAVEL.STATE.GOV/CONSULARNOTIFICATION)

### PART SEVEN: CONTACT INFORMATION FOR FOREIGN EMBASSIES AND CONSULATES IN THE UNITED STATES

For the most current contact information for foreign embassies and consulates in the United States, go to:

[http://travel.state.gov/law/consular/consular\\_745.html](http://travel.state.gov/law/consular/consular_745.html)

Alternately, you can find this information by going to our consular notification web page at <http://travel.state.gov/consularnotification>.

Scroll down the page to the **Quick Links**.

Select **Contact Information for Foreign Consular Offices in the United States**.

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# Policy and Procedure Manual

## Administrative Division

- TITLE:** **Leave of Absence Policy**
- PURPOSE:** To provide for leave of absence for recognized qualifying events in accordance with County - wide procedures.
- AUTHORITY:** Chapter 17.19 of the General Ordinances of the County of Milwaukee  
Section 2.39 of the current Memorandum of Agreement between County of Milwaukee and Milwaukee District Council 48 AFSCME, AFL-CIO and its Appropriate Affiliated Locals  
Section 2.38 of the current Memorandum of Agreement between County of Milwaukee and Federation of Nurses and Health Professionals Local 5002, AFT, AFL-CIO
- RATIONALE:** There are occasions where absence from work must be approved in order for employees to meet their military or civic duties, or to attend to family or medical needs under the law.
- POLICY:** A leave of absence may be granted to individuals requiring such absence, and meeting the statutory requirements for them, providing the following procedures are followed. Available compensation for time away from work varies with the type of leave requested.
- PROCEDURE:**
- I. Family and Medical Leave: Up to 12 weeks per year (unpaid) may be granted to employees qualifying under applicable laws for such leave.
    - A. Milwaukee County Department of Human Resources has published guidelines and forms to be used for application and approval of leaves of absence under both state and federal Family and Medical Leave Acts.
    - B. Instructions and application for family and medical leave is made using the online form, available on the Department of Human Resources link at the Milwaukee County website [www.milwaukeecounty.org](http://www.milwaukeecounty.org).



# Policy and Procedure Manual

## Administrative Division

II. Military Leave of Absence: Employees shall have the option to receive full County pay (not to exceed 15 days per year) during military duty or to retain the military pay in lieu of salary. No leave shall be granted to employees on temporary appointments or who do not hold regular civil service status.

A. As soon as it is known, employees will submit evidence of receipt of competent orders indicating the dates of the military duty to their immediate supervisor.

B. Military duty should be entered on the employee's timesheet as Code 14 and is not to exceed 15 days per year.

C. Employees choosing to be compensated by the County during the duty period shall submit their military base pay to the County Treasurer.

D. Employees choosing to retain their military base pay must use either vacation, personal, holiday or accumulated overtime during the military duty period.

III. Jury Duty: An employee who is assigned to jury duty shall be credited with a maximum of eight (8) hours regular rate of pay, excluding premiums, for each regularly scheduled workday that he/she reports for jury duty.

A. Immediately upon receipt of jury duty notice, employees are to notify his/her immediate supervisor of the date(s) he/she must report for jury duty so that adequate shift coverage can be arranged if necessary.

B. Those employees who are dismissed from jury duty after less than four (4) hours are expected to report to his/her work assignment. When dismissed early from jury duty, but not less than four (4) hours, it is the employee's responsibility to contact his/her immediate supervisor and is expected to report to work the following day.

C. All fees received for services by employees serving as juror during their regular working hours shall be deposited with the County Treasurer (Courthouse Room 102). The employee may retain the mileage allowance paid by the courts for jury duty. The employee will receive this amount from the Treasurer's Office upon the deposit of the jury fee check.

D. An employee may keep the jury pay in addition to his/her regular County salary if they serve during vacation, off-days, personal days or other unscheduled time.

E. An employee who is on jury duty for the regularly scheduled five days of work and works on a scheduled off day of that week will be paid time and one half overtime pay for the worked hours per current respective union contracts.



# Policy and Procedure Manual

## Administrative Division

IV. Educational Leave: Unpaid leave of absence for educational purposes may be granted at the discretion of the Operations Manager or Medical Examiner upon written application.

**A.** Employees desiring unpaid leave for the purpose of formal educational preparation or training will submit a written request to their immediate supervisor, along with documentation from the educational institution such as proposed course of study, etc. supporting the request.

**B.** The employee's supervisor will forward the request along with a written recommendation to approve or deny, and corresponding rationale to the Operations Manager.

**C.** The request will be evaluated as to relevance to current and future work duties in the department and staffing capacity, and a written decision will be provided to the employee and supervisor.

**D.** Under no circumstances will a request for educational leave in excess of one year in duration be approved.

**E.** Employees on educational leave will be required to provide proof of enrollment at the beginning of the program, and periodically throughout the leave at the request of their supervisor. An employee participating in educational leave must immediately notify their supervisor of any changes in their enrollment status. Termination of enrollment, whether voluntary or involuntary on the part of the employee, signifies the end of authorized educational leave.



# Policy and Procedure Manual

## Administrative Division

- TITLE:** **Outside Employment**
- PURPOSE:** To provide guidelines for the acceptance of outside employment under circumstances that does not compromise the County
- AUTHORITY:** Chapter 9, Code of Ethics for Milwaukee County
- RATIONALE:** The potential for conflicts in interest between an employee's public (County) employment, and related employment for private purposes must be evaluated to avoid any appearance or perception that outside employment could impair or jeopardize the objectivity or judgment of the employee in performing County work.
- POLICY:** Professional employees of the Medical Examiner's Office may engage in outside employment and retain the compensation under specified circumstances:
1. Private work is performed on unscheduled days of County work. Use of County-paid sick or medical leave time or is prohibited.
  2. County workplace, facilities, equipment, supplies, services or personnel may not be utilized for any private work.
  3. The outside employment will not conflict with duties or functions of the Medical Examiner's office, and will not inhibit the employee from performing his/her assigned duties on behalf of the County.
  4. Cases that have been the subject of any work performed by the Milwaukee County Medical Examiner are not eligible for private employment of medical examiner employees.
- PROCEDURE:**
1. Employee Responsibility
    - 1.1. It is the responsibility of the employee to inform the outside employer that the employee is not working in any capacity or on behalf of the medical examiner's office.



# **Policy and Procedure Manual**

## **Administrative Division**

- 1.2. The employee shall inform the Medical Examiner or designee of any outside employment activities to document compliance with the policy requirements above.
- 1.3. The employee shall be in compliance with the County Code of Ethics, Chapter 9.

REFERENCE: Milwaukee County Code of Ethics, Chapter 9.



# Policy and Procedure Manual

## Administrative Division

- TITLE:** **Parking Policy**
- PURPOSE:** To provide enforceable direction to employees and others who park vehicles on the County property surrounding the Medical Examiner facility.
- AUTHORITY:** Milwaukee County Civil Service Rule VII, Section 4(1)(h)
- RATIONALE:** Parking for employees and visitors to the Medical Examiner facility is limited. Visitor parking must be reserved for those with a legitimate business need in the office, and to promote fairness to those employees who choose to pay for parking in the enclosed lot adjacent to the building,
- POLICY:** The enclosed parking lot adjacent to the Medical Examiner facility is reserved for those employees who pay a monthly fee to the Department of Public Works through payroll deduction. The small lot immediately outside of the enclosed employee parking lot is reserved, as indicated by the signage, for Medical Examiner squad cars and vehicles and for outside visitors to the office, such as funeral directors, physicians, attorneys, coroners, law enforcement personnel, etc. Employee parking is not permitted in the visitor/squad lot or surrounding areas (i.e. near the front door or east door) during the weekday hours of 9:00 a.m. to 2:00 p.m. Parking in the employee lot by employees who do not currently have an assigned paid spot is prohibited unless authorized by the employee to whom the spot is assigned.
- PROCEDURE:**
- 1 The parking lot will be monitored primarily by the Operations Manager.
  - 2 If an employee terminates their parking spot, the Operations Manager must be notified and Facilities will be informed to stop monthly payroll deductions.
  - 3 Employees are expected to report alleged violators directly to the Operations Manager.
  - 4 The Operations Manager will apply progressive discipline in cases of parking violations, as follows:
    - 4.1 Oral warning;
    - 4.2 Written warning;
    - 4.3 Report to Deputy Sheriff to either ticket and/or tow the vehicle



# **Policy and Procedure Manual**

## **Administrative Division**

- 5 The Medical Examiner or Operations Manager may grant permission for short term parking in a visitor spot in special circumstances.



# Policy and Procedure Manual

## Administrative Division

- TITLE:** **Personal Telephone Calls Policy**
- PURPOSE:** To promote appropriate and responsible use of County telephones, and safeguard the financial resources of the County
- AUTHORITY:** Policy R-537 Milwaukee County Administrative Manual  
Milwaukee County Civil Service Rule VII, Section 4(1)(b)  
"Unauthorized use, misuse, destruction of or damage to any property, including vehicles, said damage occurring because of neglect while on county business."
- RATIONALE:** While it is recognized that an occasional, personal local telephone call may be necessary, excessive use is prohibited and may lead to disciplinary action.
- POLICY:** Personal usage of County-owned property, such as the phone system, cellular phones, fax machines, photocopier, computers, vehicles, etc. is prohibited and will be allowed only in emergency situations and upon the approval of the employee's immediate supervisor. Personal cellular phones should be used for making personal telephone calls.
- PROCEDURE:**
1. Employees are not to make personal telephone calls, including long distance calls, except in urgent situations.
    - 1.1. The department's cellular phones, fax machines, computers and vehicles are not to be used for personal, non-county business.
    - 1.2. Monthly itemized phone bills for the county phones, fax machines and cellular phones will be monitored by the Operations Manager for excessive calls to an employee's home phone number, etc.
    - 1.3. Personal usage of the computers will be monitored by the IMSD Department and the Operations Manager.
    - 1.4. The employee will be subject to progressive discipline once excessive personal use of County property is determined by the Operations Manager.
- CROSS-REFERENCE:** Use of Technology Policy A-22



# Policy and Procedure Manual

## Administrative Division

**TITLE:** Personnel File Access

**PURPOSE:** To provide controlled access to employee personnel files in compliance with County policy, applicable labor laws and the pertinent bargaining unit agreements.

**AUTHORITY:** County Administrative Code  
Section 4.04 of the Memorandum of Agreement Between County of Milwaukee and Milwaukee District Council 48 AFSCME, AFL-CIO and its Appropriate Affiliated Locals.

**POLICY:** An employees or his/her designee shall have the right to examine the employee's personnel file and related documents at reasonable times in the office where such files are maintained. Access to personnel files shall be limited to persons designated by Milwaukee County to have access to the files. This is understood to exclude the public.

**PROCEDURE:**

Inspection of files by employee

- A. An employee desiring to view his/her own personnel file shall submit the request in writing to the Operations Manager
- B. Upon receipt of an employee's request to examine his/her personnel file, the Operations Manager shall arrange a time and place where such examination may be made. In the event the department maintains more than one file or set of documents on an individual employee, all such files shall be made available to the employee at the time and place designated by the Operations Manager.
- C. Employee examinations of their files shall be conditioned upon the following:
  1. Neither the employee nor any person on his/her behalf shall remove the file or any of the documents contained therein from the office in which the inspection is conducted.
  2. Such inspection shall be conducted as expeditiously as possible and in a manner that does not interrupt the normal workflow of the department.
  3. The Operations Manager has the right to be present or appoint a management designee to observe the employee during the review of his/her personnel files.



# Policy and Procedure Manual

## Administrative Division

4. Employees may receive a photocopy of matters contained in the personnel file on the following condition:
  - a) The request is in writing, and contains the purpose of the inspection, as well as identification of the documents for which copies are requested.
  - b) Copies so requested shall be made available to the employee or his/her designee within 48 hours of the time of the request, unless the employee agrees, in writing, to a different time period.



# Policy and Procedure Manual

## Administrative Division

**TITLE:** Professional Attire

**PURPOSE:** The nature of the death investigation process requires a public perception of competence, authority and professionalism in our dealings with families, law enforcement, professional colleagues and other customers. Appropriate business attire promotes professionalism, and engenders confidence and respect among those with whom we interact in our official capacity.

**POLICY:** Employees are to be clean, neat, well groomed and dressed appropriately for the duties and responsibilities they are scheduled to perform. Dress and grooming will reflect professional standards, adhere to safety measures and present a positive image to our customers and the public. Clothing is to be neat, clean and in good repair. Clothing must not be provocative or of an inappropriate length for business attire. Protective clothing, i.e. coveralls, aprons, gloves, boots and rain gear are supplied by the office and shall be used when necessary to protect the person and clothing of the wearer.

**PROCEDURE:**

- A. Personal Hygiene—It is expected that all employees shall maintain good personal and oral hygiene.
- B. Hair—including beards and mustaches shall be clean, well-groomed and arranged in such a manner so as not to pose a safety hazard or interfere with proper fit of personal protective equipment. Hair and nail care takes place at home, not in the work place.
- C. Jewelry—shall be appropriate for the work performed. Earrings, rings, bracelets and necklaces are acceptable provided they do not interfere with the employee's work or present a safety hazard.
- D. Footwear—Shoes shall be appropriate for the work performed. Athletic shoes, whether canvas, leather or synthetic material, are not acceptable for the office environment.



## Policy and Procedure Manual

### Administrative Division

E. Eyeglasses—Dark glasses are not to be worn indoors unless prescribed by a physician due to a medical condition.

Examples of inappropriate office attire:

- Shorts, T-shirts, ball caps;
- Casual footwear such as sneakers or athletic shoes;
- Transparent/translucent or see-through fabrics in dresses, shirt/blouses or other garments, sundresses, miniskirts, close-fitting or low-cut tops or revealing clothing
- Crop tops, tank tops, muscle shirts, jogging suits or fleece wear (sweatshirt items), or other comparable casual clothing;

Appropriate business attire when meeting with customers in or outside the office, during court testimony and at scene investigations consists of a blazer-type jacket and dress slacks/skirt or business suit, together with a dress shirt and tie. A turtleneck sweater may be substituted for the dress shirt and tie, if desired.

Females may further select a dress blouse, with or without a tie/scarf, or, as an alternative, a dress with coordinating jacket.

The Operations Manager or designee has final authority as to appropriateness of dress for the Medical Examiner's staff. Questions as to interpretation and compliance should be addressed to the Operations Manager.

Failure on the part of the employees to follow these work rules may result in progressive steps of discipline up to and including discharge.



# Policy and Procedure Manual

## Administrative Division

**TITLE: Quality Assurance Program**

**PURPOSE:** To document the methods involved in quality assurance.

**AUTHORITY:** Accreditation Checklist (St Louis: National Association of Medical Examiners, 2009) SOFT/AAFS Forensic Toxicology Laboratory Guidelines

**RATIONALE:** Implementation of an aggressive quality assurance program ensures that high quality work is produced, unnecessary errors are prevented and the interests of customers are treated with the greatest concern for quality.

**POLICY:** The Medical Examiner's Office will maintain a quality assurance product through redundancy, review, and surveillance.

**PROCEDURE:**

1. Review: Death Investigation
  - a. The pathologist on-call reviews all investigative reports to determine the case disposition.
  - b. The on-call pathologist decides whether an autopsy is required.
  - c. The pathologist will initial the case and write the disposition after his/her review.
  - d. Bodies admitted to the medical examiner's office are examined during morning case review.
  - e. During morning case review, the on-call pathologist reviews the medical history and examines the body to determine the need for autopsy.
2. Concurrent (Process) Review: Toxicology Laboratory
  - a. In order to ensure that results generated on toxicology analyses performed at the toxicology laboratory are legally defensible, the scope of testing includes the following criteria:
    - i. Screening tests: Qualitative screening tests for initial detection and identification of drugs, chemicals, or poisons present in biological specimens or physical evidence submitted to the laboratory for analysis.
    - ii. Confirmatory tests: Repeat testing on a second aliquot of specimen utilizing an alternate analytical methodology to confirm the presence of the analyte detected by the initial screening method.



# Policy and Procedure Manual

## Administrative Division

- iii. Quantification: In cases where the concentration of drug, chemical, or poison can be correlated with degree of toxicity, quantification of the analyte in blood and/or liver should be performed. Analysis of parent compound plus any pharmacologically active metabolites will be done (if possible).
3. Sign-out Review
- a. Toxicology Laboratory
    - i. Technical laboratory director reviews preliminary test results on every case.
    - ii. Generates preliminary report of findings.
    - iii. Preliminary report is reviewed by scientific laboratory director and pathologist.
    - iv. Final report is generated by technical laboratory director, after consultation and feedback from pathologist.
    - v. Final report is signed by both scientific and toxicology technical laboratory directors.
4. Retrospective Review: Death Investigation
- i. Please refer to "Autopsy Quality Assurance" policy and form within Autopsy Policies section
5. Additional review methods are available for case review
- a. All components of the forensic fellow's work product is reviewed and signed by a staff pathologist.
  - b. All infant and childhood deaths are reviewed at the monthly child death review conference.
6. Performance feedback is provided to address deficiencies.
- a. Both individual and work group feedback is provided, and may result in any of the following:
    - i. Employee retraining
    - ii. Intensive review
    - iii. Policy or procedure revision
    - iv. Disciplinary action

REFERENCE: Accreditation Checklist (St. Louis: National Association of Medical Examiners, 2009) p. 4-5  
SOFT/AAFS Forensic Toxicology Laboratory Guidelines.



## Policy and Procedure Manual

**TITLE: File Storage and Destruction**

**PURPOSE:** To specify where files are stored/archived and when they are destroyed.

**POLICY:**

1. On-site storage at the Milwaukee County Medical Examiner's Office (MCMEO) includes lower level archives, upper level archives and central file area.
2. Files from 1970 to the present are stored on-site at the MCMEO. Files from 1970–1989 are in the lower level archives. 1990–2007 files are in the upper level archives. Files for the previous year and current year are kept in the central file area.
3. Files are also stored at the Milwaukee County Historical Society once storage capacity has been exceeded at the Milwaukee County Medical Examiner's Office. Currently, the Historical Society has cases from 1872–1934 and 1960-1969.
4. Contemporary files are not destroyed. Historically, files from February 1935 thru December 1959 were destroyed. The only files that were retained from this time period are homicides.



# Policy and Procedure Manual

## Administrative Division

### TITLE: Release of Information

**PURPOSE:** To specify when, to whom, and what information will be released to the media, attorneys, etc.

**RATIONALE:** As a government agency, this office must be responsive to information requests on a timely basis. Such requests must be handled in a uniform fashion, and this information processing will always take second priority to our primary mission, that of investigating and processing cases.

### PROCEDURE:

1. Information requests may come from any number of agencies, including news media representatives, law firms, insurance companies, interested citizens, and many others. Requests may include Open Records Law or Freedom of Information Act citations. Regardless of source, certain principles will always apply.
  - a. No information from cases under “nondisclosure” will be distributed. Requestors should be referred to the police agency issuing the nondisclosure for further information. As nondisclosure currently expires after 30 days unless renewed, requestors may be offered the future expiration date as an opportunity to call back.
  - b. Information gathered by this office but not internally generated, such as medical records, police reports, suicide notes, etc., will never be released; these materials are not “ours” to release. Interested parties may seek out such material from the primary sources.
  - c. Releasable material includes the Medical Examiner’s Death Report (not including medical history / confidential medical information), the Autopsy Protocol, and the Toxicology Report. Note that only the final reports are included in this list; work sheets, notes, and preliminary reports are definitely not included. The Autopsy Protocol will not be released the media per Milwaukee County Corporation Counsel.



## Policy and Procedure Manual

### Administrative Division

2. Often, peak outside interest in a case will coincide with peak internal workload; it is difficult to process multiple or high profile cases while simultaneously responding to information requests. The “letter of the law” states that we must provide records access when we are given **“at least 48 hours' written or oral notice of intent to inspect or copy a record.”** Additionally, the law notes that any agency must **“Establish a period of at least 2 consecutive hours per week during which access to the records of the authority is permitted. In such case, the authority may require 24 hours' advance written or oral notice of intent to inspect or copy a record.”** As an effective compromise between outside information demands and internal workload:
  - a. Going forward, we will primarily respond to these information requests electronically (email).
  - b. Routine information release will be coordinated through the Medical Records Administrator (MRA). During normal working hours (0800-1600), telephone requests should be referred to the MRA. If the MRA is absent, requests should be referred to the Operations Manager.
  - c. All media requests will be coordinated through the Operations Manager or MRA during regular business hours. Reports will not be released outside of these hours.



# Policy and Procedure Manual

## Administrative Division

3. As a matter of routine, this office performs autopsies for counties outside of Milwaukee. This office will not, under any circumstances, release information regarding such referral cases. Rather, completed reports will be returned to the referring county and/or agency, and all subsequent information requests will be referred back to that county and/or agency.
4. Digital photographs, including scene and autopsy, may be released to law enforcement and criminal justice personnel, including district attorneys, as well as to defense attorneys, attorneys representing families or parties to civil litigation. Photographs for educational purposes for external requestors will not be created or released by this office. Autopsy photographs are not provided for family members.
5. Payment for duplicate records, including photographs, histology slides, X-rays, etc. is required for all requestors, due upon receipt of records. Prepayment is required for photographs, histology slides, X-rays, etc. The cost of reproducing digital and other material is charged to the requesting agency in accordance with the prevailing fee schedule as set annually by the County Board.
6. Tissue slides have a special handling procedure, since they are comprised of human tissue. Re-cuts of tissue slides can be made available (for a fee) for second opinion purposes.
  - a. A signed release from the legal next-of-kin (or a *subpoena*) is required in order to release tissue slide re-cuts. The release must specifically state histology slides.
  - b. It is the stated preference of this office to release tissue slides directly to a pathologist, rather than through an attorney or other party. The name, address and phone number of reviewing pathologist must be clearly listed on the release form.
7. Blood and other body fluids are handled in a manner similar to tissue slides. However, because the legal next-of-kin may be difficult to establish prior to paternity testing, a *subpoena* is required to release DNA samples.
  - a. Requests for DNA samples for paternity testing are to be referred to the Investigator-in-Charge.



# Policy and Procedure Manual

## Administrative Division

**TITLE:** **Sexual Harassment Policy**

**PURPOSE:** To promote a safe and effective workplace and:

1. Define the limits of appropriate behavior;
2. Provide an established route for resolving potential sexual harassment concerns.

**AUTHORITY:** Wisconsin Statute Section 111.32(13): "Sexual harassment' means unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. 'Unwelcome verbal or physical conduct of a sexual nature' includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments, or the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes."

Wisconsin Statute Section 111.36(1)(b): "Employment discrimination because of sex includes . . . Engaging in sexual harassment; or implicitly or explicitly making or permitting acquiescence in or submission to sexual harassment a term or condition of employment or the basis or any part of the basis for any employment decision affecting an employee; or permitting sexual harassment to substantially interfere with an employee's work performance or to create an intimidating, hostile or offensive work environment."

Sexual harassment is defined by the Equal Employment Opportunity Commission (EEOC) as follows: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual favor constitute sexual harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or



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- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**RATIONALE:** Employees have the right to a workplace environment free from unwanted, inappropriate or threatening behavior of a sexual nature.

**POLICY:** This department considers sexual harassment to be a cause for discipline up to and including suspension or discharge of the perpetrator. (Milwaukee County Civil Service Rule VII, Section 4(1)(tt)).  
It is an unlawful employment practice under Section 704(a) of Title VII to discriminate or retaliate against any employee because the employee has opposed an unlawful employment practice, or has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under Title VII.

### **PROCEDURE:**

#### **I. Complaints**

A. An employee should bring any alleged incidents of sexual harassment, as previously defined, to the immediate attention of his/her supervisor or to the next appropriate level of supervision. Any employee who believes that he or she has been sexually harassed shall report such incidents to his or her supervisor, the Medical Examiner or the Operations Manager.

B. Complaints must be submitted in written form, using clear and concise language to describe the actual event or events, the history, and including as much detail as possible. The Affirmative Action Complaint Form may be used for this purpose, but it is not required.

#### **II. Investigation**

A. The Medical Examiner's designee shall conduct a full investigation of all written complaints of sexual harassment.

B. The Medical Examiner shall have responsibility for the investigation of all sexual harassment complaints, the reporting to the Department of Human Resources, as appropriate, and any resolution or disciplinary action that may be indicated as a result of such an investigation.



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### III. Referral to Human Resources

- A. Sexual harassment cases that are unresolved within the department may be turned over to the Milwaukee County Department of Human Resources' Employment Relations Manager for investigation.



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## Administrative Division

- TITLE:** **Smoking Policy**
- PURPOSE:** To promote the health and well being of employees working in the Medical Examiner's Office and in the field.
- AUTHORITY:** Milwaukee County Ordinance S. 63.075  
Wisconsin Statute §101.123
- RATIONALE:** Smoking has been identified as a major cause of cancer, heart disease and lung disease. The Medical Examiner's Office is dedicated to providing a safe and healthy work environment to all employees.
- POLICY:** Smoking is prohibited inside any part of the Medical Examiner office space.
- PROCEDURE:**  
Smoking is allowed only in designated areas:
- A. Smoking is prohibited inside any portion of the entire Medical Examiner facility, including the garage.
  - B. Smoking is prohibited inside Medical Examiner squad cars or any other Medical Examiner vehicles.
  - C. Employees and visitors may smoke out-of-doors at least 30 feet from all building entrances.
  - D. Smoking is prohibited at the front (public) entrances, as the automatic doors do not adequately prevent secondhand smoke from entering the building.



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## Administrative Division

- TITLE:** **Solicitation Policy**
- PURPOSE:** To minimize disruption in the workplace by guiding the use of employee solicitation
- AUTHORITY:** Milwaukee County Civil Service Rule VII, Section 4(1)(mm)
- RATIONALE:** Employees may desire to invite coworkers to participate in sales for fundraising-type items, such as Girl Scout cookies, popcorn, pizzas, etc. or distribute catalogs in an attempt to sell products such as Avon, Tupperware, Mary Kay, etc. Employees also have initiated collections for fellow employees for occasions such as weddings, births, funerals, farewell, or charitable contributions to various social causes. In order to ensure that such sales and collections are appropriate and in good taste, prior approval by management personnel is necessary.
- POLICY:** Employees intending to solicit sales for fundraisers, etc. or initiate a collection for a fellow employee for a special circumstance are to obtain approval from either the Operations Manager or Medical Examiner prior to such solicitation or collection.
- PROCEDURE:**
- I. Prior Approval
    - A. An employee desiring to sell items for a fundraising purpose, etc. must discuss such intention with the Operations Manager, or, in her absence, the Medical Examiner, and acquire approval prior to solicitation.
    - B. An employee intending to initiate a collection for a fellow employee must discuss such intention with either the Operations Manager or Medical Examiner to acquire approval prior to such collection.
  - II. Location of Collection
    - A. All materials relating to sales solicitations, once approved, will be confined to the employee break room, to avoid disruption of workflow and the appearance/perception of peer pressure to participate.



# Policy and Procedure Manual

## Administrative Division

- TITLE:** **Timesheet Completion Policy**
- PURPOSE:** To ensure accurate and timely payroll administration at the department level
- AUTHORITY:** Milwaukee County Central Payroll Procedures  
Milwaukee County Code of General Ordinances No. 17.22;  
Wisconsin Statute Section 63.13;  
Milwaukee County Civil Service Rule VII, Section 4(1)(z)
- RATIONALE:** Complete, timely and accurate information as to hours worked, time off and other payroll factors is required to properly process payroll by County-mandated deadlines and have paychecks ready for distribution to employees
- POLICY:** Employees are to complete their timesheets as accurately as possible indicating the exact times he/she began and ended his/her assigned shift as well as lunch breaks. Timesheets are to be completed and signed electronically by the employee.
- PROCEDURE:**
- I. Timesheets are due on the Monday at noon following payday. Timesheets are to be completed using the Ceridian system.
    - A. Timesheets completed by co-workers are not acceptable and will not be approved by the employee's immediate supervisor.
    - B. When the situation arises when an employee is unable to personally complete his/her timesheet due to an unexpected emergency situation, the immediate supervisor may complete the timesheet on the employee's behalf, at the discretion of the supervisor, and upon request of the employee.
  - II. The immediate supervisor will review timesheets for accuracy, correct any errors, and electronically sign the timesheets.
  - III. Signed timesheets are to be approved in the Ceridian system by the Wednesday following payday at noon.



# Policy and Procedure Manual

## Administrative Division

- TITLE:** **Universal Precautions**
- PURPOSE:** To protect employees and others from exposure to potentially infectious materials.
- AUTHORITY:** Milwaukee County Safety Program
- RATIONALE:** The safety of employees and others during exposure to potentially infectious materials is the responsibility of all employees. Proper use of personal protective equipment while in the presence of all blood and body fluids is the best prevention of significant exposure and resulting workplace injury.
- POLICY:** Medical examiner staff will employ Universal Precautions in accordance with current safety standards promulgated by the Centers for Disease Control and the Occupational Safety and Health Administration.
- PROCEDURE:**
- I. Universal Body Substance Precautions
    - A. Handle all blood and body fluids as potentially infectious: blood, urine, feces, tissue, vomit, etc.
    - B. Wash hands before and after any specimen contact, including after wearing gloves.
    - C. Wear gloves when the potential for contact with blood and body fluids exists and when contamination is likely.
    - D. Wear mask for known or suspected respiratory organisms, while in the autopsy room whenever autopsies are being performed.
    - E. Wear protective eyewear and mask if splatter/aerosol with blood or body fluids is likely.
    - F. Place used needles and sharps in nearby impermeable container (i.e. sharps container). Do not attempt to recap needles.
    - G. All potentially infectious material must be labeled with Biohazard Symbol except in the Laboratory where universal precautions are routinely followed.
    - H. Treat all laboratory specimens as potentially infectious. All specimen containers must be bagged.



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- I. In the event of exposure to blood (eyes, mouth, open area on skin, puncture wounds, etc.), report it to your immediate supervisor immediately.
- J. Disinfect environmental surfaces contaminated with or exposed to blood and body fluid contact.

CROSS-REFERENCE: Workplace Injury Policy A-23

REFERENCE: <http://www.cdc.gov/niosh/topics/bbp/universal.html>  
(referenced 1/26/11)



# Policy and Procedure Manual

## Administrative Division

### **TITLE: Use of Technology**

**PURPOSE:** The purpose of the Medical Examiner's Department Use of Technology Policy is to address employee and user responsibilities relative to all department technologies; to define procedures and related controls designed to protect the department's technical and information infrastructure; and establish procedures to address the improper use or abuse of County technologies.

**AUTHORITY:** This policy, specific to personal use of County-provided technologies in the Milwaukee County Medical Examiner's Office, is in addition to the Milwaukee County Use of Technologies Policy, adopted by the County Board of Supervisors on December 16, 1999, and the Milwaukee County Administrative Procedure Section 6.15 – Acceptable Use of County-Provided Technologies issued on March 1, 2000.

**RATIONALE:** This policy, including the Milwaukee County Use of Technology Policy, applies to all users of technologies relative to department operations. The definition of technologies as it appears in the Milwaukee County Use of Technologies Policy shall apply herein for the purpose of this policy.

**POLICY:** All Medical Examiner employees and users of technologies are responsible for exercising proper safeguards and due protection relative to the use of technologies. Violations of these procedures will be reviewed by management for possible disciplinary action, up to and including discharge.

### **PROCEDURE:**

1. Employee/User Responsibilities
  - a. It is the responsibility of each employee and user to ensure that his/her work-related data, and any media containing departmental data is adequately protected and reasonably secure. All employees and users are responsible for ensuring the necessary backup of their work, with emphasis on information not stored on the County of department's network.



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2. Personal Use of Technologies: County communications systems and equipment, including electronic mail and Internet systems, along with their associated hardware and software, are for official County business and for authorized purposes only. The Medical Examiner, or designee, may authorize incidental use which:
  - a. Does not interfere with an individual's work performance or professional duties;
  - b. Is of reasonable duration and frequency;
  - c. Serves a legitimate department interest, such as enhancing professional interests or education;
  - d. Does not overburden the system; and,
  - e. Does not create any additional expense to the County.
3. Personal use of technologies, including electronic mail and the Internet, is considered inappropriate when that use;
  - a. Compromises the privacy of department or County information determined to be confidential, sensitive, or private;
  - b. Damages the integrity of information systems, including the data or programs stored on those systems;
  - c. Disrupts the intended use of system or network resources;
  - d. Wastes resources that are needed for department business use;
  - e. Results in the unauthorized use of or copying of proprietary software;
  - f. Involves the use of a system for unauthorized access attempts to other computer systems; or,
  - g. Results in the unauthorized loading, modification, or removal of files, data, programs or systems.
4. The Medical Examiner or designee is responsible for managing compliance with the personal use policy, and documenting instances of non-compliance. After two incidents of non-compliance, the Operations Manager shall be notified in writing of excessive or inappropriate personal use.
5. **CONFIDENTIALITY AND DATA SECURITY:** Data containing information pertaining to persons served by the department is not to be made available through any type of media or method of transmission to any parties not authorized by Wisconsin statute to receive such data or information. Release of data shall be made under the constraints of the Release of Information policy.



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6. **PASSWORDS:** Passwords are provided in order to protect the user, as well as to protect information and messages from unauthorized use or viewing. IMSD is responsible for password administration and control for users assigned to that division. Each user is responsible for protecting the confidentiality and use of their individually assigned password(s). The use of another individual's network, Internet, electronic mail, online service account or other system password(s) without proper authorization is prohibited.
7. **RECEIPT OF INAPPROPRIATE MATERIAL:** Users are not permitted to print, display, download or send sexually explicit images, messages, cartoons or jokes or any other materials disparaging or harassing to anyone on the basis of race, sex, disability, age, religion, or national origin. If such material is received, recipient shall immediately advise sender that receipt of such transmission is not permitted and must stop. The recipient's immediate supervisor and the Operations Manager shall be copied or otherwise notified of the request to stop. If continued assistance is needed in responding to inappropriate material, the matter should be referred to the Operations Manager, with notice to IMSD and the Medical Examiner.
8. **RETENTION OF ELECTRONIC MAIL FILES:** IMSD will coordinate the retention of electronic mail files, where required, and in accordance with the retention schedules as approved by the Milwaukee County Records Committee (County Administrative Code 56.14 and County Administrative Procedure 3.02). Any procedures developed for the retention of electronic mail files should be in writing for incorporation into the department's record retention policies.
9. **VIRUSES AND DOWNLOADING:** Any information that is received or downloaded via electronic mail or the Internet may contain viruses. Virus scanning shall be conducted on any file received, prior to opening. Unsolicited or suspect transmissions should be brought to the attention of the Operations Manager or IMSD. Unsolicited or suspect files should be left unopened until a proper investigation is made.
10. **SOFTWARE:** To protect the Department's technology infrastructure, the following practices are prohibited:
  - a. Loading shareware, entertainment software, and other software that is not required to support department operations.
  - b. Loading personally-owned or improperly licensed software on County-owned equipment.
  - c. Procuring and installing software that has not been obtained in accordance with County purchasing procedures for computer items.



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- d. Disseminating or printing copyrighted materials (including articles and software) in violation of copyright laws.
  - e. Disabling or circumventing virus protection software or otherwise compromising security.
11. Software may be downloaded or otherwise installed for evaluation or comparison purposes only with the prior approval of the Operations Manager, or designee.
12. DISCUSSION GROUPS (Chat rooms): Participation in discussion groups is limited to conducting research and sharing appropriate information in support of ongoing business operations. As with any form of communication, County policies and confidential/protected information shall not be intentionally misrepresented in any material posted on the Internet.

REFERENCES: WHIMA Legal Resource Manual for Patient Health Care Information, 1994 (Revised 1999), Redislosure of Records, pp. 1-5, Responding to Requests for Health Care Information, pp. 1-6. Milwaukee County Administrative Procedure Section 6.15 – Acceptable Use of County-Provided Technologies.



# Policy and Procedure Manual

## Administrative Division

- TITLE:** **Vacation Utilization**
- PURPOSE:** To provide a clear, consistent approach to vacation requests that balances the needs of the individuals with the needs of the workplace, in accordance with the Milwaukee County Ordinances, Civil Service Rules and pertinent bargaining unit agreements.
- AUTHORITY:** Chapter 17.17(1) of the General Ordinance of Milwaukee County Providing for Standardization of Wages, Classification and Employment Practices.
- RATIONALE:** Vacation time is provided to permit employees the opportunity to be refreshed and free from the demands of the workplace. It is considered a benefit and has been created with the intention that the entire allotment be utilized each year. Vacation carryover exceeding the one-half of annual allotment is authorized only upon the prior approval of the Medical Examiner.
- POLICY:** Employees are expected to take full advantage of this benefit by utilizing the entire amount of the allotted vacation time during each calendar year. Up to one-half of an employee's annual vacation allotment may be carried over to the next calendar year.
- PROCEDURE:**
1. Vacation Requests
    - 1.1. Requests for time vacation time are processed in accordance with the bargaining unit agreements or Civil Service Rules pertaining to the requesting employees, governed by the staffing needs of the department, and subject to prior approval by the immediate supervisor.
    - 1.2. Forms X-3426 R10 and 2703 R5 are to be used to communicate requested vacation time, and will be returned to the employee upon approval of the hours requested.
- REFERENCE:** Civil Service Rules, Milwaukee County General Ordinances, Pertinent bargaining agreements.



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**TITLE: Work breaks**

**PURPOSE:** Employees are entitled to two 15-minute breaks; one during the first four hours of a shift and one during the second four hours.

**AUTHORITY:** Milwaukee County Civil Service Rule VII, Section 4(1)(q).

**POLICY:** Work breaks are restricted to the general area of the facility. Work breaks are to be taken under the direction of the immediate supervisor. A procedure to be taken during the absence of the immediate supervisor will be implemented by each individual supervisor. Missed breaks cannot be used at any other time. Breaks cannot be used in lieu of tardiness. Only upon the prior authorization of the employee's immediate supervisor, the employee may add his/her break(s) to his/her lunch hour or leave his/her shift early.

**SUMMARY:** Work breaks should be taken in 15-minute increments, one per four-hour period of one's shift. Authorization of the designation of work breaks is at the discretion of the employee's immediate supervisor. Abuse of work breaks will result in the implementation of progressive discipline.



# Policy and Procedure Manual

## Administrative Division

- TITLE:** **Workplace Injury**
- PURPOSE:** To provide guidance to employees in emergency situations; and to protect the interests of employees and the County in documenting workplace injuries properly
- AUTHORITY:** Wisconsin Workers Compensation Act  
Chapter 17.18(6) of the General Ordinance of the County of Milwaukee
- RATIONALE:** Occupational injuries require special attention in ensuring the safety of employees, managing the risk to employees and the County, and protecting the interests of all parties. There are specific laws governing injuries and accidents that occur on the job, and special attention is necessary to ensure compliance with all applicable requirements.
- POLICY:** All injuries sustained during the performance of an employee's assigned duties shall be immediately reported (or within 24 hours of its occurrence) to a supervisor or management.
- PROCEDURE:**
- I. If the injury or illness is life-threatening, call 9-911 immediately
  - II. Administer first aid, as necessary
  - III. If further medical attention is needed, proceed to the designated Employee Occupational Health Provider, as indicated in the workplace injury/accident guidelines in the folder marked Accident/Injury Report Forms folder located in each department.
  - IV. For injuries NOT requiring medical treatment and/or no time is lost from work due to the injury, the employee shall:
    - A. Report the incident to his/her immediate supervisor, and
    - B. Complete the Accident/Loss Report Form (Form No. 3676 R2). This form shall be completed within one working day after the notification of injury and should indicate that the employee declined to seek medical treatment.



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C. This form shall be retained by the Operations Manager or Forensic Supervisor and need not be forwarded to Risk Management unless time is lost from work or medical treatment is involved at a later date.

D. If, at a later date the employee loses time or seeks medical treatment due to the effects of the original injury, the forms indicated in the next procedure must be completed.

V. To report an injury involving medical treatment and/or time lost from work, the employee shall:

A. Immediately report the incident to his/her immediate supervisor who will refer the employee to seek medical treatment from the designated Employee Occupational Health Provider, as indicated in the workplace injury/accident guidelines in the folder marked Accident/Injury Report Forms folder located in each department.

1. The supervisor and employee complete the Accident/Loss Report Form (No. 3676) within one working day after notification of the injury.

2. Upon submission of the completed Accident/Loss Report Form to the Operations manager, the Employer's First Report of Injury or Disease is then prepared by the Operations Manager or Forensic Supervisor and, within one working day, submitted to Risk Management along with the Accident/Loss Report form and any other documentation relating to the employee's medical treatment. Copies of the above are to be retained in the general Injury File maintained by the Operations Manager.

VI. When an employee who had previously lost time due to an on-the-job injury, again loses time either from recurring effects of the original injury or loses time for scheduled follow-up examinations, treatment or therapy, the employee's immediate supervisor or the Operations Manager prepares a Resumption of Disability form (Form No. 3675), a copy of which is submitted, along with the medical documentation, to Risk Management. A copy is also retained in the general Injury File maintained by the Operations Manager or Forensic Supervisor.

VII. For temporary on-the-job injuries, employees released by their physician to work limited duty are to report to work and perform meaningful tasks during their allowable hours.



# **Policy and Procedure Manual**

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- TITLE:** **Workplace Violence Zero Tolerance**
- PURPOSE:** To provide workers with a place of employment that is free from recognizable hazards that may cause death or serious harm to workers.
- AUTHORITY:** Civil Service Rule VII, Section 4, Paragraph (1) items (m),(bb),(dd),(ff),(hh) and (ii) refer to workplace violence-related violations which can subject employees to discharge, suspension, demotion and/or re-evaluation.
- RATIONALE:** Violence at work is the second leading cause of all on-the-job fatalities, and the leading cause of workplace death among women, according to the Bureau of Labor Statistics. Workplace violence can be defined as behavior that causes injury, suffering of discomfort to others at work or while engaged in work. Physical injury and suffering resulting from workplace violence can include such things as beatings, stabbing, suicide, shooting or rape. Non-physical suffering can include such things as psychological trauma, threats, obscene phone calls, harassment such as being followed, sworn or shouted at, or intimidation.
- POLICY:** As it is the policy of Milwaukee County to foster a safe and healthy environment for employees, visitors, etc., threats, harassment, aggressive or violent behavior are prohibited within Milwaukee County facilities and operations and on Milwaukee County premises, and will not be tolerated. Employees exhibiting threatening, harassing, aggressive or violent behavior, or engaging in the activities prohibited by this policy are subject to disciplinary action, up to and including termination as per Civil Service Rule VII, Section 4. Conduct by individuals not employed by Milwaukee County exhibiting threatening or violent behavior is subject to referral to the Sheriff's Department or local law enforcement agencies, and/or removal from Milwaukee County premises.



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### PROCEDURE:

#### 1) Threats

- a) Threats or harassment may occur in the form of telephone calls, physical altercations, letters or notes, vandalism, face-to-face conversations, following or stalking, assault, intimidation, or by other means. A threat may be real or implied.
- b) Harassment is considered a form of a threat. Threats may also be carried out with a weapon such as a firearm, knife, bat, or other device capable of causing physical harm.

#### 2) Reporting.

- a) Employees who believe they are being subject to or have experienced or witnessed a threat, harassment, aggressive, violent or inappropriate behavior shall immediately inform their supervisor and/or other departmental designee. Employees who have been subjected to threats, aggressive or violent behavior while off work should also report such incidents if there is a possibility that it could result in further workplace threats.

#### 3) Follow-up Investigation

- a) All threats are to be referred to the immediate supervisor or Administrative Manager. The supervisor, together with the appropriate management team, will immediately investigate reported threats and take necessary steps to arrange for protection of the threatened individual and to end or defuse the threat(s). The threat will also be reported to the Department of Human Resources, Labor Relations, Corporation Counsel and the Sheriff's Department for their review, follow-up and other action as may be deemed appropriate by the management team.

#### 4) Assistance

- a) Threatened employees can be referred to the Employee Assistance Program for additional personal help as needed.

### REFERENCES:

"Responsible Supervision" Training Program, Milwaukee County Human Resources Department.

# UNIVERSAL BODY SUBSTANCE PRECAUTIONS

Any patient can be infected with HIV (the AIDS virus), even with no symptoms. It takes six weeks to six months (or possibly longer) after exposure for a person to develop HIV antibodies. Therefore, all those in contact with blood and body fluids must use precautions to protect themselves from exposure. These precautions also protect against other infectious organisms, including Hepatitis B, TB, Meningitis, etc.

1. Handle all blood and body fluids as potentially infectious: blood, urine, stool, tissue, gastric content, etc.
2. Wash hands before and after any specimen contact, including after wearing gloves.
3. Wear gloves for potential contact with blood and body fluids and when soiling is likely.
4. Wear mask for known or suspected respiratory organisms, i.e. T.B. (HIV is not airborne) while in the autopsy room.
5. Wear protective eyewear and mask if splatter/aerosol with blood or body fluids is possible.
6. In the event of exposure to blood (eyes, mouth, open area on skin, puncture wounds, etc.), report it to autopsy staff immediately.

I have read and understand the above information regarding universal body substance precautions and will follow the instructions during my visit at the Milwaukee County Medical Examiner's Office.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_



# Policy and Procedure Manual

## Autopsy Division

**TITLE:** Autopsy Performance Policy

**PURPOSE:** To develop performance standards for conducting autopsy.

**AUTHORITY:** Wisconsin statute §979.01-04

**RATIONALE:** The performance of autopsies provides essential information for the determination and documentation of the cause and manner of death and subsequent legal proceedings. The autopsy is a medical procedure performed by licensed pathologists. The release of autopsy information is subject to open records laws of Wisconsin.

**POLICY:** The medical examiner pathologist determines the appropriateness of autopsy in individual cases, but general guidelines are to be used as standards for the pathology and investigative staff to determine the course of action in death investigation.

**PROCEDURE:**

1. Autopsies are performed in the following cases:
  - a. Sudden, unexplained, unexpected, or suspicious deaths
  - b. Homicide
  - c. Suicide
  - d. Accidents in most cases
    - i. Elderly victims sustaining fractures of long bones or closed head injuries due to falls (and who have been medically evaluated for their injuries with appropriate documentation) do not generally require autopsy except under unusual circumstances or at family request
  - e. Medical examiner jurisdiction cases in which the family requests autopsy
  - f. Patients under age 60 in which history is insufficient to determine the cause or manner of death
  - g. Cases in which autopsy is necessary for definitive body identification
  - h. Non-medical examiner jurisdiction cases in which the legal next-of-kin wishes to purchase autopsy examination ("private" case)



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2. A staff pathologist determines when autopsy is appropriate
  - a. The autopsy is performed in a timely manner
  - b. Cases admitted to the office before 1200 will generally undergo autopsy the same day.
3. The family of the patient is contacted before the commencement of the autopsy, if possible
  - a. The investigator will discuss autopsy need as part of the notification process
  - b. If a family objects to the performance of an autopsy, the medical examiner, deputy chief medical examiner, or on-call pathologist will be consulted.
4. In a referral case, autopsy authorization must be provided prior to autopsy commencement. For private autopsies performed under county auspices, both autopsy authorization by the legal next-of-kin and the appropriate fee must be provided prior to autopsy commencement.
5. Radiographs will be obtained prior to autopsy per **X-Ray Guidelines**.
6. Identification will generally be confirmed prior to autopsy commencement.
  - a. Scientific identification will be documented in all homicide cases. In the event that identification cannot be made at the time of autopsy, dental radiographs, blood / other DNA samples, and fingerprints will be obtained prior to body release (as available).
7. Personnel attending the autopsy will be documented in the autopsy protocol.
8. Standard external photographs will be taken by the forensic pathology assistant; more extensive photographs, whether external or internal, may be taken by the pathologist or the forensic pathology assistant under his/her direction.
9. Clothing will be removed by the pathologist and/or assistant; a general description should be documented in the autopsy protocol. Jewelry, possessions, items of identification, and other valuables should be documented, recorded on the appropriate inventory form, and packaged for release to the next of kin.
10. Therapeutic, surgical, and medical procedures will be documented in the autopsy protocol.
11. The pathologist will document a general external description of the body in the autopsy protocol, to include at minimum:
  - a. Height, weight, nutritional status, age, apparent race
    - i. For infants, metric weight, cranial, chest, and abdominal circumference, crown-rump and crown-heel length.



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## Autopsy Division

- b. Postmortem changes – livor, rigor, decomposition, etc.
  - c. Hair- color, distribution, and length, including facial hair
  - d. Eyes – transparency/cloudiness of corneas; changes such as icterus, petechiae, *tache noir*
  - e. Oral cavity – dentition, condition
  - f. Neck – general abnormalities if present (e.g. goiter)
  - g. Torso – abnormalities, such as increased anterior-posterior chest dimension, pectus excavatum, abdominal striae, etc.
  - h. Genitalia
    - i. Males – Normal/abnormal, presence or absence of testes in scrotum. Mention of circumcision status may be omitted.
    - i. Scars, tattoos, piercings, amputations, congenital abnormalities
    - j. Signs of recent or remote medical and surgical intervention
12. The pathologist will describe and document all external trauma
- a. Include diagrams when appropriate
  - b. Document injury location by reference to one or more fixed points
  - c. Extensive injuries may be handled by group or anatomic site, as opposed to individual measurements
  - d. Burn injuries are best documented via burn chart, “Rule of Nines,” etc.
13. The pathologist will describe and document all internal trauma
- a. Document organs affected
  - b. Describe direction of perforating or penetrating wounds, if possible
  - c. Locate and describe projectiles as appropriate
    - i. Pellets – a sample is adequate
    - ii. Bullets, slugs, etc. – all should be recovered
    - iii. Projectile documentation includes mass in grains, photographs, and recovery site
  - d. Fractures should be documented and explored via x-rays, dissection, palpation, or a combination as appropriate
14. The pathologist will document the internal examination
- a. A complete autopsy will be performed in all cases if possible, including internal examination of the chest, abdomen, cranial cavity and neck
  - b. Weigh and describe all major organs; describe any abnormalities and document normal findings (such as coronary artery anatomy)
  - c. Describe any abnormal collections of fluid and/or adhesions
15. The pathologist may be required to perform special dissections when indicated, including (but not limited to):



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- a. Posterior neck dissection – based on suspected neck injury
  - b. Recovery of eyes in infants and children
  - c. Removal of the spinal cord (anterior or posterior approach)
  - d. Posterior “cut down” examination of torso and extremities, particularly in child abuse cases in which skin pigmentation might preclude accurate injury identification
16. The pathologist will document any material evidence taken at the time of autopsy
- a. Routine samples include peripheral blood (iliac, subclavian), vitreous fluid, urine, bile, a portion of liver, and a DNA blood card. If samples are not available or cannot be recovered, the pathologist will recover the best samples possible. In decomposed cases, decomposition blister fluid should be recovered, if available. Samples are placed in the standard multi-compartment bag, which in turn is placed in a large self-seal bag. The filled out requisition form is placed in the outside pocket of the large bag.
  - b. In homicide cases, the following samples are also obtained: plucked hair, fingernail clippings (if possible), paper bags covering the hands.
    - i. These samples will be released to the law enforcement personnel at the autopsy or inventoried and placed in the evidence file cabinet.
  - c. Recovered bullets should be weighed (weight in grains) and photographed. The pathologist will then package each projectile in a separate bullet envelope (except shotgun pellets, which can be packaged together), filling out the attached form and sealing the envelope with evidence tape.
17. Tissues will be obtained for microscopic examination as appropriate
- a. Samples reflecting disease or injury pertinent to the case should be retained in 10% neutral buffered formalin
  - b. Samples of each major organ should be retained in 10% neutral buffered formalin
  - c. Microscopic slides should be made in the following cases:
    - i. Infant deaths
    - ii. Cases in which the cause is undetermined after gross examination and toxicology
    - iii. At the discretion of the pathologist
  - d. A catalog recording anatomic site of each block taken should be recorded on the histology requisition form.



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- e. Formalin-fixed tissue will be retained for 12 months and then discarded; whole organ disposition will follow the wishes of the next-of-kin.
18. Pathologists shall use universal precautions when performing autopsies
19. Autopsy protocols form the basis for continued investigations and every effort should be made to complete the protocol as soon as possible.
- a. Protocols must be dictated by the end of the workday the autopsy was performed
  - b. Routine autopsies, those not requiring additional diagnostic studies, are to be completed within 30 days.
  - c. Complex cases, requiring extensive toxicology, neuropathology or cardiac pathology consultation, or other special testing, should be completed within 90 days.
20. Serology / DNA examinations
- a. "Sexual assault testing" will be performed as cases dictate
  - b. The pathologist collects appropriate samples following kit directions

**CROSS REFERENCE: Exposure Control Policy  
Storage Guidelines rev. 2013**



## Autopsy Quality Assurance Case Report

**Case Number:** \_\_\_\_\_ **Review Date** \_\_\_\_\_

**Case Pathologist:** \_\_\_\_\_

Please score each item as Satisfactory, Unsatisfactory, or Not Applicable (N/A)

1. Were descriptions of clothing and identifying marks and scars appropriate for the complexity of the case?  Satisfactory  Unsatisfactory  N/A
2. Was the external description (without injuries) appropriately case specific?  
 Satisfactory  Unsatisfactory  N/A
3. Were descriptions of injury, if present, appropriate for the complexity of the case, and consistent with diagrams and photographs?  
 Satisfactory  Unsatisfactory  N/A
4. Were descriptions of natural disease, if present, appropriate for the complexity of the case?  Satisfactory  Unsatisfactory  N/A
5. Is the text clear and understandable without significant typographical and/or grammatical errors?  Satisfactory  Unsatisfactory
6. Do the pathological diagnoses accurately summarize the significant conditions described in the text?  Satisfactory  Unsatisfactory  N/A
7. Was the autopsy report completed in a timely fashion given the nature of the case?  
 Satisfactory  Unsatisfactory  N/A

### COMMENTS

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Signature of Reviewer



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### **TITLE: Autopsy Quality Improvement Program**

**PURPOSE:** To ensure that autopsy reports issued by this office reflect well on the work performed here, whether to families of decedents or outside agencies.

**RATIONALE:** While there is no “one right way” to write an autopsy report, there are many wrong ways. The author must always strive for clarity, accuracy, brevity, and utility. Reports should be free of grammatical, typographical, and structural errors. They should clearly reflect autopsy findings in a way useful to the professional or lay reader. They must contain sufficient detail to refresh the memory of the prosecutor preparing for courtroom testimony whether weeks, months, or years after the autopsy.

### **PROCEDURE:**

1. A random selection of completed (including histology if appropriate, toxicology, etc.) autopsy reports will be selected biannually by clerical personnel. Assuming an annual caseload of approximately 1200 autopsies, each biannual review will include roughly 5%, or 60 cases. Each biannual review will include three cases from each pathologist in five categories (homicide, suicide, accident, natural, and infant).
2. The attached form will be used for review purposes. Except under extraordinary circumstances, review should be completed with one week of case receipt.
3. Completed review forms will be forwarded to the medical examiner for collation and comment at the next regular staff meeting.
4. Review forms are considered peer review, are confidential, and are neither discoverable nor releasable under current law.



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## Autopsy Division

### Autopsy Quality Assurance Case Report

Case Number: \_\_\_\_\_ Review Date \_\_\_\_\_

Case Pathologist: \_\_\_\_\_

Please score each item as Satisfactory, Unsatisfactory, or Not Applicable (N/A)

1. Were descriptions of clothing and identifying marks and scars appropriate for the complexity of the case?  Satisfactory  Unsatisfactory  N/A
2. Was the external description (without injuries) appropriately case specific?  
 Satisfactory  Unsatisfactory  N/A
3. Were descriptions of injury, if present, appropriate for the complexity of the case, and consistent with diagrams and photographs?  
 Satisfactory  Unsatisfactory  N/A
4. Were descriptions of natural disease, if present, appropriate for the complexity of the case?  Satisfactory  Unsatisfactory  N/A
5. Is the text clear and understandable without significant typographical and/or grammatical errors?  Satisfactory  Unsatisfactory
6. Do the pathological diagnoses accurately summarize the significant conditions described in the text?  Satisfactory  Unsatisfactory  N/A
7. Was the autopsy report completed in a timely fashion given the nature of the case?  
 Satisfactory  Unsatisfactory  N/A

Comments:

\_\_\_\_\_  
Signature of Reviewer



## Policy and Procedure Manual

### Autopsy Division

**TITLE: BODY ADMIT AND ORGAN SCALE CALIBRATION POLICY**

**PURPOSE:** To ensure accurate weights of decedent and organs are obtained.

**AUTHORITY:** Milwaukee County Medical Examiner, NAME Standard C3g<sup>1</sup>.

**RATIONALE:** Correct body and organ weights are needed for evaluation of pathologic processes, and determination of cause and manner of death.

**POLICY:** The body admit scale, along with the organ and pediatric scales will be calibrated on an annual basis by a licensed vendor. A record will be kept of such calibration.

**PROCEDURE:** The Forensic Supervisor will contact an appropriate vendor to schedule the annual calibration of the body admit scale, organ and pediatric scales. Documentation will be made to the "Scale Maintenance Log" when complete.

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<sup>1</sup> NAME Inspection and Accreditation Checklist Second Revision, Approved Sept 2009, Expires Jan 2014.



# Policy and Procedure Manual

## Autopsy Division

**TITLE:** Autopsy Suite Support and Maintenance

**PURPOSE:** To provide a safe, efficient, and compliant work environment

**AUTHORITY:** OSHA Blood-borne Pathogens Standard, 29 CFR 1910.1030

**RATIONALE:** To ensure office and facility productivity, maintenance procedures must be determined and assigned.

**POLICY:** Forensic Assistant staff is responsible for maintenance and cleanliness of the autopsy suite area, including sanitizing of equipment, furnishings, and autopsy work areas, preparing and transporting specimens, and ensuring availability of ancillary services and supplies necessary for the safe and efficient performance of autopsies.

**PROCEDURE:**

1. Non-autopsy assignments
  - a. Clean autopsy stations, detergent and 10% bleach and water solution. Individual autopsy work stations and counter tops will be cleaned whenever they are exposed to blood or other potentially infectious material. Affected areas will be cleaned and decontaminated using the following schedule:
    - i. Autopsy area floor daily
    - ii. Morgue cooler floor daily
    - iii. Mop buckets daily
    - iv. Morgue refrigerator/freezer every 6 months
  - b. Maintain autopsy room supplies in cabinets as well as individual work stations
    - i. Re-stock supplies when low
    - ii. Notify supervisor when supply reorder is needed
  - c. Clean autopsy carts following body release
    - i. Spray top and sides of carts with disinfectant
    - ii. Rinse with hot water spray nozzle
    - iii. Replace in storeroom
  - d. File DNA cards and any other necessary paperwork
  - e. Inspect cooler each morning for any lab specimens and send to the toxicology laboratory via the dumbwaiter.
  - f. Maintain adequate supply of formalin solution in both isolation and tissue cutting rooms.



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- g. Prepare outgoing laundry every Monday, Wednesday, and Friday morning
  - i. Place soiled garments in red biohazard bag
  - ii. Place biohazard bag in red nylon bag supplied by laundry vendor
  - iii. Place bag in foyer for pickup
  - iv. Sort and shelve clean laundry when delivered
- h. Prepare outgoing histology specimens every Monday, Wednesday, and Friday morning.
  - i. Place specimens in bag supplied by vendor, documenting case number and date on log
  - ii. Place bag in foyer with number of specimens affixed to top of bag
  - iii. When specimens are returned, date stamp corresponding pink sheet in pathologist's folder in Forensic Assistant's office
  - iv. Place slide flat, if applicable, in pathologist's mailbox
- i. Prepare outgoing medical waste every Wednesday morning
  - i. Check sharps container capacities; replace and prepare for disposal as needed
  - ii. Securely tie inside red biohazard bag before closing top of container
  - iii. Place all closed containers in entryway between garage and secured portion of the downstairs facility
  - iv. Disperse empty containers around autopsy suite upon delivery
  - v. Place extra containers in tissue cutting room
- j. Notify Forensic Supervisor of any supply, facility, or equipment maintenance needs.



# Policy and Procedure Manual

## Autopsy Division

**TITLE:** "Difficult Case" Conference

**PURPOSE:** To develop performance standards for reviewing challenging and/or controversial cases.

**RATIONALE:** While many autopsies are relatively straightforward, others present particular diagnostic challenges. In cases for which the cause of death may be evident, challenges may be presented based on manner of death assignment. The "difficult case" conference is an opportunity for the staff to meet to discuss such cases for both guidance and teaching purposes.

**POLICY:** The medical examiner pathologist determines case selection for the difficult case conference; "high profile" cases such as in-custody death are subject to automatic review.

**PROCEDURE:**

- a. Based on individual choice and judgment, staff pathologists will select cases for review at the difficult case conference.
- b. Cases subject to automatic review will include any "high profile" case, such as in-custody death or any case garnering unusual agency or community scrutiny. Review in such cases will include additional relevant materials such as police reports (including video and/or audio records, as available).
- c. The prosecuting pathologist will present the case (resident/fellow if appropriate). Presentation will include appropriate details from the medical examiner's office investigative report, investigative reports from outside agencies (as appropriate), relevant medical history, the autopsy, and results of ancillary testing.
- d. Although cases discussed and a brief synopsis will be recorded for ACGME purposes, proceedings at this meeting are considered peer review, confidential, and not subject to open records release.
- e. Although guidance may be sought and is expected to result from difficult case conference, the disposition of each case is the responsibility and privilege of the attending staff forensic pathologist.
- f. All final death certificates in cases of "in custody" death will be reviewed by the chief medical examiner prior to release.



# Policy and Procedure Manual

## Autopsy Division

**TITLE: Forensic Assistant Autopsy Assistance Policy**

**PURPOSE:** To provide standardized guidelines for the Forensic Assistant staff with respect to autopsy performance.

**AUTHORITY:** Milwaukee County Medical Examiner

**RATIONALE:** To properly determine cause and manner of death, autopsy procedures need to be standardized amongst the staff.

**POLICY:** The following procedures are to be implemented for autopsy assistance.

**PROCEDURE:**

1. Once autopsy schedule is decided, secure cart to station. Fill white specimen container (stock jar) approximately  $\frac{1}{2}$  full with 10% neutral buffered formalin solution from container under hood in isolation room. Place filled specimen container on cutting board.
2. Remove body from body bag; large bodies (or bodies post WTB recovery) may remain upon the open bag for safety purposes.
3. Place DNA card, liver bags, and toxicology bag at work station. Label white specimen container (stock jar) lid with pathologist's initials.
4. Take standard external photographs, including photographs of cleaned head for identification purposes.
5. Assist in evisceration and any other autopsy-related tasks as requested by the pathologist. Prepare tissue cassettes as needed with case and sequential number.
6. After autopsy, securely tie viscera bag and place in torso; replace chest plate and close torso with stitching. Any incisions made during the autopsy process will be stitched closed by the Forensic Assistant staff before release.
7. Replace calvarium, wash head and face, and place in white plastic bag. Re-bag body and return to cooler.
8. Inspect specimens for proper labeling. Place in toxicology bag with requisition sheet, keeping wet specimens separate from paperwork. Send to lab via dumbwaiter.



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9. If brain or heart is taken for further studies, suspend in formalin filled container with proper labels attached. Place brain container in tissue cutting room with gross specimen container and cassettes. Heart container may be placed in pathologist's tissue area.
10. Clean station after each autopsy with appropriate disinfectant. Place all sharps in sharps container. For end of day cleaning, remove and clean any slats, and spray station with steel polish.
11. Place specimen label on calendar in assistant's office, including cause of death, time of autopsy, and pathologist. Record same information in log book and CME system.
12. Forensic Assistant daily schedule will be determined by the number of autopsy cases, the number of pathologists available, and the number of assistants available.



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## Autopsy Division

**TITLE: Safety Policies for Creutzfeldt-Jakob Disease, Undiagnosed Encephalitis Cases, and other High-Risk Autopsy Cases**

**PURPOSE:** To provide proper precautionary measures for the performance of autopsies in cases of high, or potentially high infectious risk.

**POLICY:** Procedures described below will be followed by all autopsy room staff.

**REFERENCE:** <http://emedicine.medscape.com/article/1711526-overview#a30>

### **STEP-BY-STEP DESCRIPTION.**

#### **SAFETY POLICIES FOR CREUTZFELDT-JAKOB DISEASE AND UNDIAGNOSED ENCEPHALITIS CASES.**

**INTRODUCTION.** Creutzfeldt-Jakob disease (CJD) is a fatal dementing disorder of humans.

1. Clinical diagnosis is based upon a history of rapidly progressive dementia, presence of myoclonic movements, and a characteristic electroencephalogram.
2. There is diagnostic overlap with Alzheimer's disease and other atypical dementing diseases.
3. At autopsy, most patients with classic Creutzfeldt-Jakob disease show some spongiform change in brain tissue.
4. Creutzfeldt-Jakob disease is characterized by presence of prion protein (PrP), which is probably the infective agent.
5. Incubation period may be from months to decades, but once symptoms develop, the disorder is usually fatal within one year.
6. CJD is apparently not spontaneously contagious, but there have been instances of iatrogenic transmission, e.g., corneal transplants from a diseased patient.
7. CJD has been reported in histology technicians and in a pathologist, but epidemiologic studies have repeatedly failed to demonstrate an excess incidence of CJD in health care workers or in autopsy room personnel.



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8. There is a possible risk of transmission of CJD from Bovine Spongiform Encephalopathy, reported in Great Britain. Since CJD can only be confirmed at autopsy, further study of CJD from autopsy materials is important.

#### PROCEDURE:

1. Personnel should be limited to the Prosector and Forensic Autopsy Assistant.
2. Attire includes respirator, Tyvek suit and sleeves, double surgical gloves, eye protection, waterproof apron, and shoe covers.
3. The room is prepared with appropriate surgical instruments; the high-risk (decomposed case) room will be used for these cases.
4. The room entrance is provided with a bleach-soaked foot mat (10% bleach).
5. The cadaver remains in the body bag throughout the procedure.
6. The upper body is uncovered. Blood is obtained by subclavian puncture and transferred to vacutainers if requested (not routine).
7. The skin of the scalp is incised and reflected in the usual manner. The skull is carefully opened with a Stryker Saw. **CARE IS TAKEN TO AVOID CUTTING THE BRAIN TISSUE WITH THE SAW. THE SKULL CAP IS THEN CAREFULLY REMOVED TO PREVENT INJURY TO THE FINGERS OF PERSONNEL AND TO KEEP TISSUES AS STERILE AS POSSIBLE. THE BRAIN IS REMOVED BY STERILE SCALPEL AND WEIGHED IN A PLASTIC-LINED SCALE PAN.** With the brain removed, the skull cap is reinstated and the scalp sutured. Depending upon clinical and/or research needs, the brain is either fixed in 20% buffered formalin or frozen. **THE BRAIN CONTAINER IS SELECTED TO MAXIMIZE CONTAINMENT OF THE TISSUE.**
8. The remainder of the autopsy is conducted in a modified routine manner: An organ-by-organ, *in-situ* examination with tissue sampling but without organ removal is recommended; no running water is used.
9. Decontamination of the exposed body surfaces of the body is carried out by sponging with 10% bleach. The body bag is carefully closed, sponged with bleach, and returned to the cooler.



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10. Decontamination of the autopsy room involves flushing of all work surfaces and floor surfaces with 10% bleach and the cleaning of all surgical instruments.
11. Disposable items are collected and placed in a plastic bag, sealed, and incinerated.
12. The Stryker saw is sponged with bleach or NaOH.
13. Instruments are disinfected using fresh undiluted bleach or 2 normal sodium hydroxide (2N NaOH). These treatments are equally efficacious; the choice between them depends on convenience and the material being decontaminated. In general, NaOH is preferred for steel instruments as it is less corrosive than bleach. The disinfectant should remain in contact with the surface for 60 minutes.
14. All washing fluids and other liquids are ultimately placed in a stoppered sink with greater than four volumes of bleach added to the final waste volume. After one hour, the sink is drained of its contents.
15. Following the decontamination procedure, the gown, mask, shoe covers, and gloves are removed and placed in double plastic bags and sealed for incineration.
16. The Prosector and Autopsy Assistant exit the room by walking on the bleach-soaked mat.

#### **TISSUE PROCESSING:**

17. The intact brain is fixed in formalin for two weeks prior to cutting. Tissue blocks are taken, agitated in at least 50-100 mL of 95%-100% formic acid for 1 hour, and then returned to formalin for 2 days prior to embedding. Alternatively, one may elect to take the necessary diagnostic sections from the fresh brain, fix them in formalin for 2-7 days, treat with formic acid for 1 hour, fix again in formalin for 2 days, and then embed in paraffin. Formic acid treatment provides essentially complete disinfection without vacuolization, although some silver stains for the plaques and tangles of Alzheimer's disease are compromised by this method. Once studies are complete, if a diagnosis of CJD is made, the remaining tissue is incinerated.



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### **STEP-BY-STEP DESCRIPTION. GUIDELINES FOR HIGH RISK OR POTENTIALLY HIGH-RISK AUTOPSY CASES.**

High-risk or potentially high-risk cases:

1. Viral hepatitis.
2. Acquired Immunodeficiency Syndrome.
3. Tuberculosis.
4. Others.

General rules. If any one of these diagnoses has been seriously entertained, institute the following precautions:

1. Extraordinary care must be taken to avoid accidental wounds from contaminated sharp objects.
2. Avoid production of aerosols or droplets. Use shears for the ribs. When the Stryker saw is used, hold a wet towel over the saw to trap dust.
3. Only the prosector, attending pathologist (fellow case), and autopsy assistant are permitted in the dissecting area.
4. Confine all work to the smallest possible area, do not walk around the room, do not handle telephone, and do limit potentially contaminated areas.
5. One person at a time works on the body or block. Two or more pairs of hands removing organs or dissecting in close quarters is one of the prime causes of cuts and puncture wounds.
6. Wash all cuts or puncture wounds immediately and vigorously with iodine-based disinfectant soap.
7. Take special care with contaminated needles. Do not bend or sheath needles after use; promptly place in puncture-resistant container filled with specific disinfectant (see below).



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8. Treat all body fluids (blood, gastrointestinal contents, CSF, etc.) and tissues as potentially contaminated. Disinfect outside of all containers with appropriate agent and clearly label as to hazard, e.g., AIDS, hepatitis, etc. Precautions: unsterilized samples to be transported out of the autopsy room, e.g., cultures, chemical analysis, or material to be stored unfixed in the autopsy room, e.g., serum, are to be placed in double-containers and clearly labeled.

9. Hands must be washed after removing gowns and gloves.

#### SPECIAL PRECAUTIONS WITH THE FOLLOWING CASES:

**TUBERCULOSIS.** Formalin does not effectively kill Mycobacterium. (Formalin does reduce infectivity.) All exposed individuals must know status of PPD, so that if PPD is negative, they can be tested for conversion after possible exposure. Obey all general rules plus: Contaminated lung must be infiltrated with formalin and not cut for at least 48 hours. Storage must always be in a closed container, submerged, and covered with formalin-soaked towels.

**HEPATITIS VIRUS.** Formalin kills the virus. Prime problems are cuts and puncture wounds. Obey all general rules plus: If skin is broken by contaminated instrument, wash vigorously with iodine-based disinfectant and report incident immediately.

**AIDS (ACQUIRED IMMUNODEFICIENCY SYNDROME).** Complete autopsies will be performed when warranted. Pregnant personnel should not perform or assist with these autopsies. Removal of the thymus and, where possible, the eyes, should be part of the dissection. The disinfectant of choice is 5.25% sodium hypochlorite (standard household bleach) at a dilution of not greater than 1:10 in water. Blood, blood products, excretions, secretions, and tissues are to be considered infectious, and direct contact with skin and mucous membranes should be avoided. Obey all general rules, plus:

1. All contacted surfaces and the outside of the body are to be washed with a 1:10 dilution of bleach.
2. Body fluids that are not to be saved and contaminated water should be treated with bleach, at a final dilution not exceeding 1:10, before disposal down the drain.
3. All tissue is to be fixed in 10% formalin either for saving or prior to incineration.



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4. All reusable instruments are to be soaked in diluted bleach for 15-30 minutes and then washed with sterilizing agents as usual.
5. The body will remain in the body bag during the autopsy.
6. Running water can be used to wash formalin-fixed tissues and organs.
7. If a tuberculosis infection is suspected, appropriate precautions should be instituted.

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"Creutzfeldt-Jakob disease, an infectious, progressive, degenerative neurologic disorder, has a presumably long incubation period but a rapid, fatal course. Brain tissue at autopsy resembles that seen in spongiform encephalopathies of other species. Creutzfeldt-Jakob disease is transmitted by a proteinaceous infectious agent, or 'prion'. Epidemiologic patterns remain uncertain; various studies have reported conflicting risk factors in different populations, and genetic susceptibility may be involved. Although natural transmission routes are still unclear, both iatrogenic and nosocomial transmissions have been identified. Transmission has occurred through contaminated electrodes, contaminated biologic products from cadaveric brains, and infected donor tissues, including dura mater and corneas. Because the prion is difficult to eradicate, stringent sterilization precautions must be taken with all surgical instruments. Some tissues and body fluids (e.g., brain, ocular, central nervous system) from the patient with Creutzfeldt-Jakob disease are highly infectious, and must be contained or incinerated. Some body fluids, however, are not considered infectious. Persons with known or suspected Creutzfeldt-Jakob disease, or with exposure to potential sources of iatrogenic infection, should not be considered as donors for any tissues or biologic products. Occupational transmission to health care and pathology workers is also



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possible. Therefore, specific preventive measures are necessary. Many questions remain regarding transmission and risk factors for Creutzfeldt-Jakob syndrome, and the precautions presented here must be considered only preliminary."

PMID: 7847639

[Show abstract.](#)

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"A review of the publications of Hans Creutzfeldt and Alfons Jakob, pertaining to the concept which bears their name (CJD), reveals that they described a neuropathological syndrome, and were opposed to its classification as a neurological disease. The evidence on which Creutzfeldt and Jakob based their view is reevaluated, and studies by other workers are cited in which a range of environmental and genetic factors generated the CJ syndrome, challenging the proposition that CJD is a disease with a single cause."

PMID: 11624133

[Show abstract.](#)

13. FACTSHEET:CREUTZFELDT-JAKOB DISEASE.

Citation: NSW Public Health Bulletin 2001; 12(2): 43.

**WHAT IS CREUTZFELDT-JAKOB DISEASE?** "Creutzfeldt-Jakob disease (CJD) is a rare and fatal brain disease in humans. It is a type of disease known as a transmissible spongiform encephalopathy (TSE) because it causes characteristic spongy breakdown of the brain and it can be transmitted. Other animals-such as sheep, cows and cats-can also develop TSEs.

**THE FOUR MAIN TYPES OF CJD. Sporadic (classical) CJD.** "This is the most common form, responsible for 85 per cent of cases. The cause is unknown. It mainly affects people aged over 50 years.

**Familial CJD.** "This is an inherited form of the disease with a younger age of onset. It causes 10-15 per cent of cases of CJD.

**iatrogenic CJD.** "This occurs through the inadvertent use of infectious material in medical procedures.

**Variante CJD.** "This is a newly-recognised type that was first discovered in 1996 in the United Kingdom. It is caused by the same infectious agent that causes



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'mad cow disease' (BSE or Bovine Spongiform Encephalopathy) that has affected cattle in the United Kingdom and other parts of Europe. It is different to sporadic CJD because it usually affects younger people, who have a longer duration of illness. It also has slightly different clinical features and can be distinguished from sporadic CJD by postmortem laboratory examination of brain tissue (that is, after the person has died). Evidence of the infection can also be found in lymph tissue, such as tonsils.

**WHAT CAUSES CJD?** "It is thought that an infectious agent, known as a prion, causes the damage to the brain. Prions are different to other infectious agents (such as bacteria and viruses) because they are made from a protein that is normally present in all cells. It is believed that the prion causes normal cell proteins to change into abnormal cell proteins, and that these build up in the brain, causing damage.

"In inherited CJD the genes that tell the body how to make the protein may be faulty. In iatrogenic CJD the abnormal protein comes from contaminated tissue or instruments. Variant CJD is thought to occur when the prion is ingested in contaminated beef or beef products. It is unclear if other risk factors or predisposing factors are needed to enable the prion to cause disease. In sporadic CJD no one knows how the abnormal protein arises.

**HOW COMMON IS CJD?** "CJD is rare. It occurs worldwide at a rate of 0.5 to 1 case per million per year. Overall, Australia has about the same case rate as other countries. Because of the relationship with Bovine Spongiform Encephalopathy, most cases of variant CJD have occurred in the United Kingdom (a total of 85 cases as of November 2000). An additional three cases have been reported in France and one in Ireland. Because CJD can have an incubation period of many years, it is unclear how many new cases of variant CJD will occur. As of February, 2001, no cases of variant CJD or BSE have been reported in Australia.

**WHAT ARE THE SYMPTOMS OF CJD?** "CJD causes progressive symptoms of difficulty with coordination, muscle jerks and memory loss with eventual dementia. Variant CJD can also cause mood disturbance and altered sensations. CJD is fatal, usually within a year of onset of symptoms. At present there is no cure. Treatments for symptoms such as pain and muscle jerks are very important in caring for people with CJD.

**HOW IS CJD DIAGNOSED?** "A definite diagnosis can only be made by examining brain tissue after death. There are, however, other tests such as CAT scans, MRI scans, and EEGs, that can be highly suggestive of the diagnosis and are used to rule out other diagnoses. People with variant CJD may have the prion protein present in their tonsils and other tissues.

**CAN YOU CATCH CJD?** "In Australia, iatrogenic CJD has been caused by the use of human growth hormone taken from the pituitary glands of cadavers that are infected with CJD. Currently, as there is no Bovine Spongiform Encephalopathy in Australian cattle, no risk is posed by eating Australian beef or



# Policy and Procedure Manual

## Autopsy Division

beef products. Beef and beef products from countries with infected cattle have been banned from import to Australia.

"There is no evidence that sporadic CJD is spread by blood transfusion. There is a theoretical possibility that variant CJD could be transmitted by blood transfusion, although this has never been reported. As a precautionary measure, people who have spent six months or more in Great Britain between 1980 and 1996 cannot donate blood. This is because beef and beef products consumed in Great Britain during this time could have come from cows harbouring BSE infection. Regular surveillance for BSE in cattle is carried out routinely in Australia.

"There is no evidence that CJD can be transmitted by normal social contact."

Page Owner: NSW Public Health Bulletin. (New South Wales, Australia).

Last Updated : Tuesday, 02-Oct-01 12:57:20

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### **Autopsy Division**

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# Policy and Procedure Manual

## Autopsy Division

**TITLE:** Implanted Device Policy

**PURPOSE:** To develop standards for the removal, analysis, and retention of implanted medical devices.

**AUTHORITY:** Milwaukee County Medical Examiner

**RATIONALE:** The removal and analysis of implanted medical devices may provide critical information with respect to the determination of the cause and manner of death. Additionally, the presence of some devices within the body (e.g., pacemaker, defibrillator) may render subsequent body disposition (cremation) unsafe.

**POLICY:** The medical examiner pathologist will identify, remove, and process implanted medical devices as described.

**PROCEDURE:**

- a. Cardiac pacemakers and automatic defibrillators
  - i. Pacemaker units are generally small with permanently attached leads (electrodes). For laboratory analysis purposes, the unit yields important information (unit history and function, terminal event, etc.)
  - ii. Once the presence of a pacemaker is identified, the unit should be exposed as the opening Y-shaped incision is made, with care not to cut the leads
  - iii. Implanted sutures holding redundant leads within the tissue pocket should be carefully cut
  - iv. Most leads are encased in a porous cuff just distal to the device pocket; this cuff should be sharply dissected free of surrounding soft tissue
  - v. Position and fixation of distal lead portions within the heart should be documented; once documented, leads may be dissected free of myocardium
  - vi. The custom Allen wrench may then be used to disconnect each lead from the unit.



## Policy and Procedure Manual

### Autopsy Division

- vii. Once pacemaker inscriptions (manufacturer, model number, serial number) are recorded, the unit is cleaned (soap and water) and double bagged. A pre-printed autopsy label is placed on the outside bag.
- viii. The bagged unit is packaged and, with proper paperwork, returned to the manufacturer for analysis, or interrogated on-site, as available.
- ix. Defibrillators are handled in an identical fashion, except that before making the Y-shaped incision, the device is inactivated by use of the ring magnet. Leads may be detached from defibrillators using the small Allen wrench.
- b. Other medical devices
  - i. Implanted drug reservoirs should be removed and inspected; remaining volume of medication may be assessed by removal with needle and syringe. After recording any inscription, the reservoir may be discarded (red biohazard bag).
  - ii. Medtronic insulin pumps may be interrogated prior to returning them to the manufacturer; the CareLink™ USB device and instructions are stored by the admin computer upstairs.
  - iii. Pumps, electrical stimulators, etc., should be handled per manufacturer recommendations.
  - iv. Serial numbers on implanted orthopedic devices (plates, prosthetic joints, etc.) may be useful in cases of unidentified bodies.

**REFERENCE:** Mond HG, Valentine BC, Randall RD, Kelsall R, Gergory M. Anatomy of a Murder: Telemetric Footprints. *J. Pacing Clin Electrophys* 2002;25:1406-1408.



## Traditional Jewish Autopsy Procedure

### Introduction

**This is not intended to be a procedure that renders an autopsy acceptable by Jewish law (Halachah). This process is only to be used as a last resort when an autopsy must be performed and cannot be waived under any circumstances.**

To be sensitive and responsive to the needs of the traditional Jewish family and community, it is important to understand the origin and the source of those special needs. Biblical law is clear about the requirement for immediate burial: “You must bury it (the body) on the same day” (Deut. 21.23). Jewish law therefore requires immediate burial. From this also derives the requirement for the entire body to be brought to burial, including all internal organs, even the blood, which is associated with the soul as it carries the life force through the body (See: Deut. 12.23).

There are many sources for the belief that while the soul or spirit leaves the body upon death, it is nevertheless aware and conscious of its surroundings, particularly the body, until after its return to the earth. The dignity and the respect accorded the remains is therefore significant. Any invasive procedure is seen as a desecration. Any delay in the burial and anything other than the burial of the entire body is seen as painful to the spirit and is contrary to Jewish law.

1. A member of the Sacred Society, or designate thereof, or a Rabbi, should be permitted to attend the autopsy upon request.
2. In all instances, every effort should be made to expedite the release of the body as quickly as possible.
3. The entire autopsy should be performed in a body pouch.
4. When possible, the entire body and especially the genitalia should be kept covered at all times.
5. The autopsy procedure should be as minimal as possible:
  - A. Avoid incision whenever and wherever possible.
  - B. Samples for pathology should be as small as possible.
6. Replace all organs in their proper place: e.g. brain in suitable small plastic bag in the skull.
7. All instruments should be wiped clean with a cloth and the cloth should be placed in the body pouch.
8. Suture all incisions as tightly and leak proof as possible.
9. All blood or articles of clothing containing blood that are not needed for pathological or evidence purposes should be sent along with the remains to the funeral home. Those articles that need to be retained for evidence should be returned for burial after they are no longer needed.

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## Milwaukee County Medical Examiner Protocols for Dealing with Jewish Concerns in a Mass Disaster

- 1) In general, per Jewish beliefs, Milwaukee County Medical Examiner's Office (MCMEO) will, in cases of deceased Jewish individuals (who's deaths fall within MCMEO jurisdiction) strive to:
  - A) Identify individual remains by name as well as being of the Jewish faith.
  - B) Allow for burial of such remains in a Jewish cemetery individually, or when there is no choice in a mass grave.
  - C) Allow for traditional preparation of the remains, whenever possible.
  - D) Allow for burial in a way that will permit decomposition and the natural return of the body to the earth
  - E) Allow for burial as immediately as feasible (positive identification taking precedence).
- 2) The MCMEO will respect Jewish concerns and laws regarding burial and objections to autopsies, to the greatest extent feasible. In some circumstances, autopsies and forms of burial differing from those described in Jewish Law may be required. These circumstances include, but are not limited to: incidents where the government has a compelling interest such as certain criminal investigations (e.g. homicides), contaminated remains, and where not performing an autopsy or sealed burial would place the public at risk and a less restrictive alternative is not feasible.
- 3) As per office existing MCMEO policy, positive identification is required before burial. Visual Identification (direct) is considered positive, according to Jewish Law; however, alternative means should be sought in cases of mass fatalities due to the known problems with visual identification in such circumstances. In such cases fingerprints and DNA samples are the preferred methods, per Jewish Law. In cases where DNA is utilized: DNA samples should preferably be of hair or fingernails, blood secondly, skin or tissue would be next, and bone used only if necessary. The MCMEO will retain the right to determine when visual identification is possible and safe (i.e. in contaminated and badly disfigured remains). In cases where direct visual identification is possible, but the MCMEO cannot readily accommodate visual identification, funeral homes serving the Jewish community will be called upon to allow for direct family viewing of decedents.
- 4) Contaminated remains may require burial in sealed vaults (or the "Bioseal" containment system) without the traditional preparation. If these types of burial are utilized, it is preferable to fill such vaults or containment systems with earth to the greatest extent possible. If mass graves are required, it is preferable to identify individuals (and their locations) within these and have the mass graves be within Jewish cemeteries.
- 5) Non-contaminated remains would optimally be dealt with by holding the remains in refrigerated areas until normal burial can take place. Depending on the scope of such a situation, the decision would best be made on a case-by-case basis looking to maintain a reasonable balance of what can be done to preserve the adherence to Jewish Law with the realistic assessment of the resources available.
- 6) Temporary burial would be a last resort. Refrigeration is preferable, with the goal to bury as soon as feasible. When necessary, such burial should be in a Jewish cemetery and with appropriate identification of locations for later exhumation and reburial.
- 7) In some circumstances, autopsies and forms of burial differing from those described in Jewish Law may be required (see item 2), and according to religious sources, it would be best to perform those examinations on persons who have no religious objections to such procedures, where such could provide sufficient data. In cases where autopsies must be carried out on those with objections, religious authorities will be consulted (as much as possible) to determine ways to carry out autopsies in the least objectionable manner (an procedure is on file for carrying out autopsies in the least objectionable manners).
- 8) The MCMEO is in the process of making efforts to identify Jewish cemeteries that could accommodate such situations.
- 9) Rabbi Benzion Twerski ([RBZT@sbcglobal.net](mailto:RBZT@sbcglobal.net)) can serve as a contact person for questions and concerns regarding these issues in a time of crisis.



# Policy and Procedure Manual

## Autopsy Division

**TITLE:** Collection, packaging, labeling and release or storage of physical/ material evidence (trace evidence, sexual assault kits, projectiles, etc.) taken at the time of autopsy.

**PURPOSE:** To establish the protocol to be followed for collection, packaging, labeling and release or storage of physical/ material evidence taken at the time of autopsy with maintenance of the chain of custody.

**AUTHORITY:** Wisconsin statute §979.01-04.

**RATIONALE:** A critical component of the forensic autopsy is the collection of material evidence (trace evidence, sexual assault kits, projectiles, etc.) for submission to law enforcement or other agencies for possible forensic analyses. The proper collection, packaging, labeling and release or storage of material evidence must preserve the integrity of the evidence and ensure the maintenance of a proper chain of custody.

### PROCEDURE:

1. Types of material evidence that are collected at the time of autopsy include:
  - 1.1. Trace evidence (hairs, fibers, dried fluids, paint chips, etc.).
  - 1.2. Biological evidence (finger nail clippings, DNA blood cards and /or swabs, etc.).
  - 1.3. Sexual Assault kits and paper hand bags.
  - 1.4. Bullets, projectiles, knife tips, and other components of or whole weapons.
  - 1.5. All other types of physical evidence that may be used in law enforcement or other agency investigations or judicial proceedings.
2. Material evidence should be collected with a clean instrument (forceps, sterile swab, etc.) and placed either in the packaging supplied in a kit (e.g., sexual assault kit) or in an appropriately sized, new, clean, manila paper envelope. Bullets and other types of physical evidence with markings that may be obscured by metal forceps should be removed with plastic forceps or ones' gloved fingers.

3. The package should be labeled with the case identification information (decedent's name, age, case number, etc.), the date, contents of the package, the site from which it was removed, and the collecting pathologist's name. Sexual assault kits may contain packages pre-labeled with some of this information.
4. The package is sealed with red evidence tape and the pathologist's initials and the date are written across the tape with a permanent marker. Sexual assault kits should be sealed per the kit's instructions. Smaller manila envelopes may be placed in a larger, new, clean manila envelope to keep all the evidence organized and together.
5. An autopsy evidence sheet (see attached form at the end of this protocol) may be completely filled out and kept with the evidence. The pathologist should ensure that the "collected by:" and "prepared by:" fields are properly signed.
6. The evidence sheet and packaged evidence is then taken to a medicolegal investigator (either by the staff pathologist, law enforcement or other agency personnel) who ensures that the evidence sheet and evidence packages have been properly filled out, labeled and sealed. The medicolegal investigator should ensure that the "received by:" and "released by:" fields are properly signed and makes a photocopy of the evidence sheet that is placed in the permanent case file. The evidence is given to the law enforcement or other agency personnel.
7. If the evidence is to be stored for later pick-up by the law enforcement or other agency the packaged evidence and original autopsy evidence sheet are stored in the evidence cabinet in the locked evidence room on the main level of the MCMEO near the investigators desks.

**REFERENCE:**

Accreditation Checklist. National Association of Medical Examiners.

# LABEL

## AUTOPSY EVIDENCE SHEET

Collected by: \_\_\_\_\_ Prepared by: \_\_\_\_\_

- |  |   |
|--|---|
| <input type="checkbox"/> Head Hair                 | <input type="checkbox"/> Right hand paper bag     |
| <input type="checkbox"/> DNA card                  | <input type="checkbox"/> Left hand paper bag      |
| <input type="checkbox"/> Right hand nail clippings | <input type="checkbox"/> DNA Swab (specify) _____ |
| <input type="checkbox"/> Left hand nail clipping   | <input type="checkbox"/> DNA Swab (specify) _____ |
| <input type="checkbox"/> GSR Right hand            | <input type="checkbox"/> Other (specify) _____    |
| <input type="checkbox"/> GSR Left hand             | <input type="checkbox"/> Other (specify) _____    |

- |                  |                 |                      |              |
|------------------|-----------------|----------------------|--------------|
| _____ Projectile | Location: _____ | Weight: _____ grains | Color: _____ |
| _____ Projectile | Location: _____ | Weight: _____ grains | Color: _____ |
| _____ Projectile | Location: _____ | Weight: _____ grains | Color: _____ |
| _____ Projectile | Location: _____ | Weight: _____ grains | Color: _____ |
| _____ Projectile | Location: _____ | Weight: _____ grains | Color: _____ |
| _____ Projectile | Location: _____ | Weight: _____ grains | Color: _____ |

Sexual Assault Kit:

- |  |   |
|--|---|
| <input type="checkbox"/> Pubic hair combings   | <input type="checkbox"/> Vaginal swab & smear       |
| <input type="checkbox"/> Cervical swab & smear | <input type="checkbox"/> Rectal swab & smear        |
| <input type="checkbox"/> Oral swabs & smear    | <input type="checkbox"/> Pubic hair standards       |
| <input type="checkbox"/> Debris                | <input type="checkbox"/> Dried secretions           |
| <input type="checkbox"/> Fingernail evidence   | <input type="checkbox"/> Buccal cell standard (DNA) |
| <input type="checkbox"/> Optional toxicology   |   |

Currency:

\$1 x \_\_\_\_\_  
\$5 x \_\_\_\_\_  
\$10 x \_\_\_\_\_  
\$20 x \_\_\_\_\_  
\$50 x \_\_\_\_\_  
\$100 x \_\_\_\_\_  
\$Other \_\_\_\_\_

penny x \_\_\_\_\_  
nickel x \_\_\_\_\_  
dime x \_\_\_\_\_  
quarter x \_\_\_\_\_  
coin dollar x \_\_\_\_\_  
Foreign (paper) \_\_\_\_\_  
Foreign (coin) \_\_\_\_\_

# LABEL

## AUTOPSY PROPERTY SHEET

Clothing:

Shoes: \_\_\_\_\_ brand size color \_\_\_\_\_

Shirt \_\_\_\_\_ brand size color \_\_\_\_\_

Pants \_\_\_\_\_ brand size color \_\_\_\_\_

Underwear \_\_\_\_\_ brand size color \_\_\_\_\_

Brassier \_\_\_\_\_ brand size color \_\_\_\_\_

Sweater \_\_\_\_\_ brand size color \_\_\_\_\_

Jacket \_\_\_\_\_ brand size color \_\_\_\_\_

Coat \_\_\_\_\_ brand size color \_\_\_\_\_

Hat/cap \_\_\_\_\_ brand size color \_\_\_\_\_

Socks \_\_\_\_\_ brand size color \_\_\_\_\_

Other: \_\_\_\_\_

Jewelry:

Watch: \_\_\_\_\_

Ear ring (s): \_\_\_\_\_

Ring: \_\_\_\_\_

Necklace: \_\_\_\_\_

Body piercing: \_\_\_\_\_

Property:

Wallet

Miscellaneous paper(s)

Identification card

Driver's license: state: \_\_\_\_\_ no. \_\_\_\_\_

Credit/Bank card (s)

Insurance card (s)

Other

Currency:

\$1 x \_\_\_\_\_

\$5 x \_\_\_\_\_

\$10 x \_\_\_\_\_

\$20 x \_\_\_\_\_

\$50 x \_\_\_\_\_

\$100 x \_\_\_\_\_

\$Other \_\_\_\_\_

penny x \_\_\_\_\_

nickel x \_\_\_\_\_

dime x \_\_\_\_\_

quarter x \_\_\_\_\_

coin dollar x \_\_\_\_\_

Foreign (paper) \_\_\_\_\_

Foreign (coin) \_\_\_\_\_



# Policy and Procedure Manual

## Autopsy Division

**TITLE: On-Call Coverage**

**PURPOSE:** To provide guidelines and chain of command for on-call duties

**AUTHORITY:** Civil Service Rule 17.265

**RATIONALE:** By the nature of our work, the medical examiner office must operate on a 24-hour schedule. This type of scheduling requires employees to be working in an on-call status.

**POLICY:** Outside of normal business hours, pathologists and management staff rotate on-call responsibility such that 24-hour medical and administrative coverage is provided. The staff must contact the supervisors and pathologists scheduled on-call as needed.

**PROCEDURE:**

1. Investigators shall call the on-call supervisor during non-working hours for questions regarding investigation, scheduling problems, workplace injuries, etc.
  - a. The supervisors scheduled to rotate call include the operations manager and the investigator-in-charge
  - b. Designated on-call supervisor is posted in the investigator work area
  - c. Call begins at close of business Friday afternoon and continues through the weekend until Monday at 0800
2. A forensic pathologist is on-call during off hours
  - a. The on-call pathologist answers questions regarding investigations, responds to scenes, performs weekend autopsies, grants permission for organ/tissue donation, etc.
  - b. The call schedule is posted on the dry-erase calendar outside of the Medical Examiner's office. The on-call pathologist with contact information is posted in the investigator work area.
3. The forensic pathologist call week runs from 0800 Monday to 0800 the following Monday
4. The on-call pathologist performs weekend (Saturday) autopsies as necessary
5. Pathologists may switch call, but information regarding the appropriate on-call pathologist must always be posted as above.



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6. The forensic pathology fellow is scheduled for call responsibilities in accordance with the fellowship program administrative guidelines. The fellow on call is always teamed with a staff pathologist for backup purposes.
7. The toxicology laboratory supervisor may be called for toxicology laboratory emergencies.
8. The autopsy supervisor may be called for emergencies regarding the autopsy area.



# Policy and Procedure Manual

## Autopsy Division

### **TITLE: Processing and disposition of skeletal remains**

**PURPOSE:** Standardize procedures for the processing, identification, and disposition of skeletal remains

**AUTHORITY:** Milwaukee County Medical Examiner

**RATIONALE:** Skeletal remains are frequently brought to the Medical Examiner's Office. Basic issues are whether or not the bones are human, and if human, are they of current or archeological interest. Such skeletal remains should be handled in a consistent, reproducible fashion. Additionally, animal bones must be "finally" disposed of lest they visit this office on multiple occasions.

### **PROCEDURE:**

1. Upon arrival at the office, skeletal remains will be given a case number and inspected by a staff forensic pathologist, with ultimate disposition depending on the category assigned to the bones, namely, human (contemporary), human (archeological), animal, or "questionable."
  - a. Bones designated as contemporary human remains will be investigated as appropriate {including forensic anthropology consultation}.
  - b. Bones designated as archeological human remains can generally be handled as Native American, depending on location site. Guidance may be obtained from the Wisconsin Historical Society (800-342-7834) with respect to whether or not remains fall within the mandates of the Native American Graves Protection and Repatriation Act (NAGPRA).
  - c. Bones designated as animal / non-human will be discarded into red biohazard bag trash as soon as such designation is made, unless the specimen is of educational or other interest. Elimination via this route will preclude animal bones from being "rediscovered" and potentially making a return trip to this office.
  - d. Bones designated as "questionable" will be held until appropriate consultation leads to definitive identification as either human or animal. Once definitive identification is made, the bones will be handled as outlined above.
  - e. Once a final determination is made, the Forensic Assistant will be responsible for disposal and documentation.



## Policy and Procedure Manual

### Autopsy Division

#### Storage Guidelines

Materials generally considered for disposition or long-term storage following autopsy include:

- Whole organs
- Wet stock tissue
- Paraffin blocks
- Slides
- Reports
- Dried blood (DNA sample)
- Photographs
- Reports
- Accession log(s)

Storage policies vary from state to state and between countries. The issue of whole organ retention is particularly complicated and subject to litigation. Some states, California and Ohio for example, have specific requirements for the storage of additional material, such as frozen tissue in SIDS cases, although no funding is provided for such storage.

- Professional guidelines in this area are sparse. With respect to the forensic autopsy, the College of American Pathologists specifies “1 year after final” for wet stock tissue, 1 year for body fluids and tissues for toxicology, and “indefinitely” for paraffin blocks, slides, reports, photographs, logs, and dried blood (DNA).<sup>1</sup> The National Association of Medical Examiners (standard 9.6) asks “Are formalin-fixed or paraffin-embedded tissues stored for at least one year in cases in which microscopic slides are not prepared?” – deficiency here would be considered Phase I.<sup>2</sup> There are no Wisconsin-specific guidelines offered by either the Wisconsin Society of Pathologists or the Wisconsin Medical Society.

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1

[http://www.cap.org/apps/cap.portal?\\_nfpb=true&cntvwrPtl\\_t\\_actionOverride=%2Fportlet%2FcontentViewer%2Fshow&\\_windowLabel=cntvwrPtl\\_t&cntvwrPtl\\_t%7BactionForm.contentReference%7D=policies%2FecRetPol.html&\\_state=maximized&\\_pageLabel=cntvwr](http://www.cap.org/apps/cap.portal?_nfpb=true&cntvwrPtl_t_actionOverride=%2Fportlet%2FcontentViewer%2Fshow&_windowLabel=cntvwrPtl_t&cntvwrPtl_t%7BactionForm.contentReference%7D=policies%2FecRetPol.html&_state=maximized&_pageLabel=cntvwr) accessed 1/24/11.

<sup>2</sup> National Association of Medical Examiners Accreditation Checklist, Amended 20 February 2007, Expires January 2009, p. 16.



## Policy and Procedure Manual

### Autopsy Division

#### Retention Schedule:

- Whole Organs – retained with advance notification (see below) of legal next-of-kin. Disposition (as surgical specimen or returned to “held” body) per their preference.
- Wet stock tissue – 12 months
- Paraffin blocks – 3 years
- Everything else - indefinite

#### Other case materials

1. Clothing and personal effects: NAME standard 9B.2 reads “Is it the written and implemented policy of the office to take charge of the body, the clothing on the body, and any evidence on the body which may aid in determining the identification of the deceased and the cause and manner of death?” No standard addresses the retention and storage of such items.
  - a. In cases such as homicides and some accidents of police interest, clothing and personal effects will generally be collected by the investigating agency.
  - b. In cases of accidental death not of immediate police interest, materials such as helmets, clothing, etc., will be maintained for 12 months and then discarded or returned to the next of kin (see below). Requests for retention beyond 12 months will be honored provided that a storage fee is paid in advance.
  - c. In remaining cases, the “default” procedure will be to inventory (written and/or computer log) and document (digital photograph) clothing and personal effects and then return to the legal next of kin via the funeral home, with the following exceptions:
    - i. Ligatures, cutting instruments, and other suicide paraphernalia, if not of police agency interest, will be retained for 12 months and then discarded.
    - ii. Heavily soiled or saturated underclothing or other clothing will be discarded due to its potentially hazardous (infectious) nature.



## Policy and Procedure Manual

### Autopsy Division

#### Next of Kin Choice

Retention of clothing, personal effects, and organ/tissue samples, is now a contentious issue. A proactive approach to this problem will be taken by providing the next of kin with this notice in autopsy cases:

“It is the policy of the Milwaukee County Medical Examiner’s Office to provide optimum service following sound and proven scientific principles. To accurately determine the cause and manner of death, it is often necessary to retain personal items (clothing, etc.), tissue samples, and occasionally entire organs (commonly, brain or heart) for further study. Personal effects (if not contaminated with blood or other materials) can generally be made available for you to pick up, if desired. Tissue and/or whole organs are normally cremated (like specimens removed in the operating room), as “reuniting” them with the body would entail delay (weeks) and expenses to families. Should you wish an exception to this normal procedure, please notify this office (414-223-1200) as soon as possible.”



CERTIFICATION OF MATERIAL NON-AVAILABILITY

RE: \_\_\_\_\_ CASE NUMBER: \_\_\_\_\_

It is the policy of the Milwaukee County Medical Examiner to retain clothing, personal effects, and "wet tissue" for 12 months. Specimens submitted to the forensic toxicology laboratory for analysis are stored for 36 months beyond the date upon which testing is completed.

In the above-cited case, none of the these materials are in our possession due to:

- \_\_\_\_\_ Items destroyed per our retention policy
- \_\_\_\_\_ We have no record of a person by this name
- \_\_\_\_\_ Materials have been previously forwarded to \_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_ Other \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



## Policy and Procedure Manual

**TITLE: Infectious diseases, including HIV-related disease**

**PURPOSE:** To establish policies relative to the investigation of cases involving potentially contagious infectious disease and the management and release of information in such cases.

**AUTHORITY:** Communicable Diseases, Wis. Stats. § 252 (2008)

**RATIONALE:** Deaths involving communicable infectious disease *per se* only occasionally fall under the jurisdiction of the Medical Examiner's Office, as the attending physician usually certifies natural deaths. Not uncommonly, this office is involved in cases for other reasons in which a disease history has already been determined, for example, Hepatitis C infection in an intravenous drug user. Rarely, the presence of a communicable disease will be elucidated at autopsy, for example, meningitis. As Wisconsin is an "open records" state, proper documentation of communicable disease is important in the investigative and autopsy reports and on the death certificate.

**PROCEDURE:**

1. Information obtained at the scene of death from next-of-kin, etc., pertaining to infectious disease, will be recorded in the investigative narrative just as any other information would be; there is no need to substitute terms such as "an autoimmune disease" for accurate diagnoses.
2. Although records obtained from other agencies (hospitals, clinics, etc.) cannot be "re-released" to another agency (police, district attorney, etc.), information derived from such records may properly be part of the investigative report, autopsy report, and if appropriate, death certificate.
3. With respect to HIV test results and their derivatives (for example, the use of "complications of HIV infection" on the death certificate), state non-disclosure statute language specifically restricts the actions of "a person who is neither the subject of the HIV test or the subject's authorized representative." Such language does not restrict the use of proper diagnostic terminology by this office, as decedents are properly objects of testing, not subjects of testing.
4. State statute specifically allows for the disclosure of HIV (and other infectious disease) test results to funeral directors.



## Policy and Procedure Manual

5. Requests for post-mortem testing in cases from first-responders exposed to blood or other potentially infectious materials will be honored, and of course, the results of such tests will be shared with the requestor.

## **Milwaukee County Medical Examiner's Office Critical Incident Response**

The Medical Examiner's Office handles some 6000 investigations annually; many of these are known to be "critical incidents" at the time that they occur, and some become critical with the passage of time. Critical or "high profile" cases include in-custody death, death as the result of police action, multiple fatalities occurring as the result of a single incident, and others. Depending on the specific event, the response of this office will include the following:

- Initial case evaluation will be performed by the in-office medicolegal death investigator(s). Staff or on-call forensic pathologist will be notified.
- Field response will be by the assigned investigator(s); response by forensic pathology staff will be at their discretion.
- Our staff will provide an independent investigation at the scene while coordinating with other agencies (police department, district attorney, DOJ, etc.)
- Other agencies are welcome to designate staff to attend the subsequent autopsy
- In cases involving in-custody death and/or police action, this office will request and review police reports and any pertinent video/audio material (such as squadcam video, CCTV video, etc.) as part of our investigation.
- Our staff will confer with other agencies during and after the investigation as requested.
- Once the investigation and ancillary studies (toxicology, etc.) are complete, our final reports will be released to any requesting agency.

## **What is a death certificate and how can I obtain a copy of it?**

A death certificate is an official, legal document and vital record that states the cause and manner of death. If an autopsy is performed, the final death certificate may not be available until the autopsy and all tests have been completed; in such cases, a “pending” death certificate may be requested from your funeral service provider. Copies of the death certificate are generally obtained through your funeral service provider of choice.

## **How do I get the personal effects of my loved one?**

Personal property that was held by the medical examiner investigator generally will be returned to your funeral service provider when it is no longer needed for the investigation. Please contact your funeral service provider in order to collect your loved one’s belongings. If law enforcement retained any personal property, you will need to contact the appropriate agency directly.

## **What if I have questions?**

The Medical Examiner’s Office is available to discuss any further questions or concerns you may have. You may contact the office directly at 414-223-1200.

## **Resources:**

Milwaukee County Burial Assistance  
414-289-6714  
Infant Death Center of Wisconsin  
414-292-4046  
24-Hour Crisis Line  
414-257-7222  
Aging Resource Center of Milwaukee County  
414-289-6874

## **Department Staff**

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### **Deputy Medical Examiner**

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### **Assistant Medical Examiners**

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### **Forensic Investigator-In-Charge**

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Greg Johnson, Forensic Chemist

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[www.county.milwaukee.gov/medicalexaminer](http://www.county.milwaukee.gov/medicalexaminer)

## **Our Mission:**

- To promote and maintain the highest professional standards in the field of death investigation
- To provide timely, accurate and legally defensible determinations as to the cause of death
- To enhance public health and safety through reducing the incidence of preventable deaths
- To foster public awareness and support the advancement of professional medical and legal education
- To protect the interests of deceased individuals, their loved ones, and the communities we serve

### **Why is the Medical Examiner involved in this death?**

Pursuant to Wisconsin State Statute 979.01, the Medical Examiner's Office is required to investigate all unexplained, unusual, or suspicious deaths; homicides, suicides, or accidents; maternal deaths following abortion; deaths due to poisoning; deaths without physician or accredited practitioner in attendance; deaths when physician is unwilling or unable to sign death certificate; deaths of inmates in public institutions; deaths as a result of diagnostic procedures; deaths due to neglect; unattended deaths of fetuses of 20 weeks or older; occupational-related deaths; sudden/unexpected death of infants or children under age 2 years.

### **The primary function of the Medical Examiner's Office is to determine a truthful, logical and scientifically unbiased cause and manner of death.**

- "Cause of death" is defined as the disease or injury that sets in motion the chain of events which ultimately results in the death of an individual.
- "Manner of death" is classified into five categories: natural, accident, suicide, homicide and undetermined. The manner of death is determined by the circumstances of the death.

### **I would like to have my loved one's organs/tissues donated. Will medical examiner involvement keep this from happening?**

The Medical Examiner's Office is required to notify the Wisconsin Donor Network of cases in which we have jurisdiction. We fully support organ, tissue, and eye donation and work closely with the Wisconsin Donor Network, Wisconsin Tissue Bank, and Lions Eye Bank.

### **What is an autopsy?**

An autopsy is a detailed medical examination of a person's body and organs after death. The function of the autopsy is to help establish a cause and manner of death by fully identifying and describing diseases or injuries that caused death. The autopsy is performed or supervised by a forensic pathologist (a pathologist with specialized training in recognizing, interpreting, and documenting features of injury and disease). Surgical techniques are used to remove and examine each organ, while tissues and blood samples are selected for microscopic examination and toxicology testing. In some cases it may be necessary to retain larger portions of tissues or even whole organs, such as when the brain needs to be examined in detail. After this examination, which may require many weeks, the residual tissues are retained in a manner similar to the retention of other autopsy specimens. Normally such tissues are cremated, similar to specimens removed in the operating room, as returning the tissues and/or organs would entail significant delay and expense to families. If you want those tissues returned after examination, it will be necessary for you to contact the Medical Examiner's Office to make appropriate arrangements. Although there is no charge for an autopsy ordered by the Medical Examiner, transportation, administrative, and storage charges may apply, if applicable.

### **Why/When is an autopsy needed?**

Not all cases require an autopsy. In many circumstances, the medical examiner is able to determine the cause and manner of death from the medical history and the investigation. Autopsies are ordered by the medical examiner based upon his/her medical opinion that an autopsy is needed to assist in determining the cause and manner of death. In some instances, an autopsy may be required by law due to the circumstances surrounding the death.

### **Where will the autopsy take place and how do I get a copy of the autopsy report?**

The Milwaukee County Medical Examiner's office is located at 933 West Highland Avenue. Although business hours are 9:00-5:00, the office is staffed by investigators 24 hours a day. The medical examiner investigator will inform you when the autopsy will take place.

The final autopsy report is available at no cost to the immediate and legal next-of-kin (power of attorney, spouse, adult child, parent, adult sibling, grandparent, guardian). It generally takes at least 4-6 weeks from the date of the autopsy for the report to become available. You may obtain a copy of the final autopsy report by contacting the Medical Examiner's Office at 414-223-1200.

### **Will an autopsy impact funeral services?**

An autopsy generally does not delay funeral services and does not prevent the option of viewing your loved one by family and friends

### **How do I choose a funeral service provider?**

Due to Wisconsin law, the Medical Examiner's Office is unable to provide you with recommendations for funeral service providers. We recommend contacting your local funeral service providers to inquire about their services

Cleanup at death scenes may involve the removal of biohazardous materials that require specialized cleaning methods. While the Medical Examiner's Office is unable to recommend a specific cleanup service, a list of biohazard cleanup services is available on our web site:

[www.county.milwaukee.gov/medicalexaminer](http://www.county.milwaukee.gov/medicalexaminer).



# Policy and Procedure Manual

## Investigative Division

### TITLE: Acquisition, Retention, and Disposal of Decedent's Medications

RATIONALE: Inventory of decedents' medications is an important part of death investigation. In many instances a detailed medical history is not available at the time of autopsy, but medication examination may provide a useful substitute or adjunct for such history. Medication review will help prove (or disprove) purposeful or accidental overdose, pharmacy error, or untoward/allergic reaction to medication.

Because prescription medications were the property of the deceased, the Medical Examiner's Office by necessity must assume responsibility for them so that the potential for illicit resale or use of the medication is eliminated.

### PROCEDURE:

#### 1. Scene of Investigation

When a Forensic Investigator attends a scene of death, the investigator shall examine any medications found at the scene belonging to the decedent. At a minimum, the name of each medication should be recorded and documented in CME under scene investigation. For medications with overdose and/or abuse potential such as narcotics, tranquilizers, etc., additional information should include date and quantity prescribed, prescribed dosage (i.e., number per hour, day, etc.), and quantity remaining. In cases where medication has been placed in unusual or mislabeled containers, or containers contain mixed pills, this fact should be noted and identification/inventory completed either on site or at the office. After the scene survey is complete, medications may simply be left at the scene. However, all medications with "overdose potential" must be seized and removed from the scene, either by the police agency attending or by the forensic investigator.

#### 2. Medical Examiner's Office

The case investigator and one additional witness will count and inventory in CME on the medication page, all medications received at the Medical Examiner's Office. The drug inventory form includes the case number and name of the deceased, Documentation in CME requires the medication name, date and number prescribed, number remaining, the prescribing



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### Investigative Division

physician, dosage, frequency taken, pharmacy, and the prescription number. Cases involving identification difficulty may be resolved with online assistance or via consultation with the attending forensic pathologist. Once inventory is complete, medication will be destroyed, and documented both in CME at the bottom of the Medication page, and via completion of the Medication Disposition Log. Disposal of prescription bottles is easily accomplished by adding the medication to red-bagged trash, to be immediately sealed and queued for pickup. Another acceptable means is to dump the pills/capsules/liquid into a partially-filled large sharps container. Blister packs will be emptied (pills removed) and patches (fentanyl, etc.) should be cut up before placing in the sharps container. Only medications of potential medicolegal interest will be stored on-site, and only then in the locked storage room in the investigator's area upstairs. Both employees performing the disposal will sign the Medication Disposition Log and the original will be placed in the case file.

**In the event that two employees are unavailable to perform the count and destruction at the time of admission, the medications will temporarily be stored in the locked closet in the investigator area until two employees become available.**



# Policy and Procedure Manual

## Investigation Division

**TITLE:** **Body Admission Policy**

**PURPOSE:** To establish criteria for the proper admission of bodies to the Medical Examiner's Office

**AUTHORITY:** Wisconsin State Statute §979.01-04

**RATIONALE:** Proper admission of the body to the Medical Examiner's Office is critical to ensure identification of the body, maintain the chain of custody for evidence and inventory of personal property.

### **PROCEDURE:**

1. Preparation for admission
  - a. When an investigator knows that a body will be arriving for admission, they will create labels and place them on the following paperwork: manila envelope for case file, right index print card, property sheet, admission toe tag, property/valuables, subclavian blood, and any other labels that may be necessary for the case.
  - b. A specimen bag should be labeled with the decedent's last name, date of admission, and case number, and the above paperwork placed inside the bag.
2. Intake of the body
  - a. Inspect body bag seal to assure it has not been tampered with, and record the seal number. If the seal number does not match or the seal has been altered, a photograph of the seal should be made and the on-call pathologist should be notified if seal tampering is suspected. Any unusual observations should be documented in CME under "Body Admit" under the comments section.
  - b. Remove/Break seal on body bag and document your name, date, and time on ambulance conveyance sheet. The above information should be documented in CME under "Body Admit". If there is no seal, document on conveyance sheet, and check the box indicating so on the above page in CME.
  - c. Retain a copy of the ambulance transport sheet in the MCMEO case file.



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- d. Retain the broken seal in the manila envelope.
- 
3. Documentation of clothing, property, and evidence
    - a. The body will remain clothed until autopsy. The body should be weighed and measured.
    - b. Pockets will be checked, property and valuables that are found should be removed, and all items documented on the Personal Property Receipt form (2544 R2) signed by the investigator and a witness (conveyor).
    - c. All property and valuables removed at admission should be properly bagged up, labeled, and placed in the downstairs property drawer in the locked property closet for later release by the path assistants to the Funeral Director.
    - d. All loose clothing and property noted at admission should be documented in CME under "Property Entry" page. Clothing will remain in place for later removal at autopsy (see Clothing Processing and Retention policy) Do not list any personal information (Driver's license numbers, Credit card numbers, etc.) in CME.
    - e. Evidence found should be marked "retained" on the Personal Property Receipt form and the "retained" box checked in CME when entering items, labeled, packaged, and stored in the upstairs, locked evidence storage closet. Medications found should be removed, documented, and destroyed (see Acquisition, Retention, and Disposal of Medication policy).
    - f. The original Personal Property Receipt form will be placed upstairs in the bin on the cremation table. The originals will be taken down to the autopsy suite in the morning to be available for additions during autopsy.
    - g. At autopsy, Path Assistants will collect and document on the original Personal Property Receipt any property, valuables, clothing, evidence, medications, or other items that were missed upon admission. Path Assistants will enter additional items found into CME under "Body Admit", and a final Property Release form will be printed out to be signed by the funeral director when the body and personal items are released.



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## Investigation Division

### 4. Fingerprinting

- a. A right index print is recovered on every routine case where hands have not been bagged from the scene. If the hands have been bagged, the print will be obtained at autopsy; if a print is needed sooner, consult with the on-call pathologist. If, for some reason, a print cannot be obtained, the investigator shall document in the case report.
- b. The fingerprint card is labeled with the decedent's name, case number, date of death, and initialed by the admitting investigator or person obtaining the print.
- c. The fingerprint card is placed in the manila case file envelope and left in the specimen bag on the gurney.

### 5. Labeling the body

- a. After confirming that the identity of the decedent matches the toe tag placed on the body at the scene, a toe tag is placed on the bag.
- b. Toe tags should be labeled with the decedent's name, age, height and weight, case number, date and time of admission, and address conveyed from. Admitting investigator should initial toe tag before affixing to bag.
- c. Two ID photos are taken, one profile and one front facial, then entered in CME under the appropriate case number for archival storage.

### 6. Specimen Collection

- a. Collect subclavian blood on all routine cases. Subclavian Blood will not be collected on the following cases:
  - i. Homicides
  - ii. Children under 5 years
  - iii. Deaths in police custody
  - iv. Referral Cases
- b. Specimen containers are labeled with the decedent's name, case number, type of specimen, date and time of collection, and initialed by the investigator taking the specimen.
- c. Specimens are placed in the specimen bag and placed on the gurney with the decedent.



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### Investigation Division

- d. Specimen collections are documented in CME under "Body Admit".
7. The body is placed in the cooler until autopsy.
8. Any unusual circumstances that cause employees to deviate from the normal admit policy should be documented under the appropriate areas in CME (i.e. comments section of "Body Admit.")
9. The investigator shall use appropriate universal precautions during the body admission process (see Exposure Control Policy).
10. For Body Released cases that come in for Storage only:
  - a. The body is placed on a storage cart
  - b. The admitting investigator will completely undress the body, inventory and document the clothing and property/valuables on the Personal Property Receipt form, following the procedures above. Clothing will be bagged, labeled, and left on the storage cart with the decedent. Valuables will be packaged and stored as stated above.
  - c. A complete body exam is performed, and the Body Examination Checklist (form 7659 R2) is completed and placed in the file.
  - d. Admission photos and right index print are obtained and filed.
  - e. Subclavian Blood AND Vitreous Humor are collected, labeled as above, and placed in the specimen bag, which is put in the crate inside the MCMEO cooler.
  - f. The appropriate pages of CME are completed (Body Exam, Body Admit, Property Inventory).
  - g. Print the final copy of the Property Release Form and place it in the bin on the Cremation table. All other paperwork is filed in the case file.



# Policy and Procedure Manual

## Investigation Division

### TITLE: **Clothing Processing and Retention**

**PURPOSE:** To document, process, and release or retain decedent clothing in accordance with proper evidence chain of custody

**RATIONALE:** Clothing can play a prominent role in injury interpretation, decedent identification, and accident reconstruction in forensic medicine. It is important that clothing be properly collected, packaged, labeled, preserved and inventoried to insure a proper chain of custody and protect the clothing from damage and contamination.

**POLICY:** The Medical Examiner staff will process and release clothing in accordance with stated procedures, to protect both the integrity of the investigation and the property of the decedent.

### PROCEDURE:

1. Investigator role
  - a. The investigator shall ensure that in general, clothing shall remain in place on the body; the body, as found, shall be placed in the body bag and the bag sealed for transport. If legal next of kin are at the scene, jewelry or other high-value / sentimental items may be removed and given to the next of kin (all cases except homicides). In cases where concern may exist regarding loss of evidentiary value in transit (for example, excessive blood drainage soaking clothing, etc.), the on-call pathologist should be consulted for further direction.
2. Pathologist role
  - a. Clothing shall be removed and inspected by the pathologist at autopsy and described in the autopsy protocol.
  - b. At the direction of the staff pathologist and/or attending detective, clothing of potential evidentiary value will be photographed and dried in the evidence room prior to release.
  - c. Clothing not of documentary or evidentiary value will be bagged and released to the funeral director with the body.



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### Investigation Division

3. Drying procedure
  - a. The clothing will be spread out on the evidence room table or portable autopsy table in the anteroom on a clean cloth or paper sheet labeled with the case number, until dry. Clothing will not be laid on the floor for drying.
4. Release of dried clothing items
  - a. Police personnel will package the clothing after appropriate drying
  - b. Packaged clothing is released to law enforcement or placed in the appropriate cabinet in the evidence inventory room.
  - c. To ensure proper chain of custody, an evidence release form will be completed indicating what items are released, to whom (name, title), by whom (name, title), on what date and time, and signed by both parties. Documentation of the release should be completed in the Property Release page of CME, and a hard copy is retained in the file.
5. Evidence room cleaning
  - a. The evidence table or portable tables are to be cleaned with 10% bleach solution after each use
  - b. The evidence room will be cleaned per autopsy suite routine housekeeping schedule (See Autopsy Suite Support and Maintenance).

**CROSS REFERENCE:** Storage Guidelines



## Policy and Procedure Manual

### Investigation Division

**TITLE: Contacts**

**PURPOSE:** To confirm the circumstances and history surrounding the death

**RATIONALE:** New information may surface which changes the complexity of a death investigation during contact with the responding police agency and/or family member

**PROCEDURE:**

In all situations involving reportable cases, the family shall be contacted to obtain any available information regarding:

- A. Circumstances leading up to death
- B. Medical signs/symptoms displayed by the deceased before death
- C. Any health complaints made by the deceased
- D. Pertinent medical history of either the deceased or blood relatives

Such contact will be in addition to our contact with the investigating police agency. Each contact must be documented in the appropriate place in each report. The above investigative procedure [contact] is required in order to assure the adequacy of, and to substantiate, information contained in our reports. Such information is required by the Medical Examiner for the purpose of deciding the extent of his involvement in a death reported to this office, and for the purpose of making a decision in regards to the cause and manner of death.



# Policy and Procedure Manual

## Investigation Division

**TITLE: Cremation Cases**

**PURPOSE:** To Establish Set Protocol for Cremation Cases

**AUTHORITY:** Wisconsin State Statute s. 979.10

**RATIONALE:** Wisconsin law s. 979.10 requires that all cremations (except stillbirths) be accompanied by a written permit from the coroner / medical examiner in the county where the death occurred, or the coroner / medical examiner in the county where the event occurred if the death is subject to an investigation under 979.01. A permit is also required from the coroner / medical examiner in the county where the corpse is to be cremated if the death occurred outside of this state. Before issuance of the written cremation permit, the coroner / medical examiner must view the corpse which is subject of the permit, and make a personal inquiry into the cause and manner of death.

**PROCEDURE:**

1. The Investigator receiving a request for a cremation permit shall generate a new case by selecting the 'Cremation Only' caption in VAST, if the case has not been reported previously in accordance to s. 979.01
  - a. The Investigator shall complete the following fields on the 'Request For Cremation Only' page in VAST: deceased's name, date of death, date of birth, where the body is to be viewed, place of death (also edit place of death with the actual address or name of the Institution in the address field on the 'Location of Pronouncement' page), home address, name and phone number of the person requesting the cremation, name of the funeral home, the crematorium, and the date of the cremation.
  - b. The name and contact phone number of the Certifier must be entered in the Follow-up Log if trauma is noted during the body examination or if there are problems with the death certificate.
  - c. If the person making the request for a cremation does not provide all of the required information for completion of the 'Request for Cremation Only' page, he / she shall be instructed to secure the missing information, and call back with the same.



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- d. A computer-generated copy of the Demographic Report shall be placed on the cremation table along with a labeled fingerprint card, body exam form (7659 R2), and an envelope for the file. The place where the body is to be viewed shall be entered in the 'location of examination' area on the body exam form (7659 R2).
  - e. If the death were previously reported to the office pursuant to s. 979.01, the Investigator will edit the information by clicking the cremation case box on the 'View / Edit Cremation' page in VAST.
  - f. In the event a case waived is also reported as a cremation, the Investigator will place a copy of the Demographic Report on the cremation table, and will attach a labeled body exam form (7659 R2), fingerprint card, and an envelope for the file, for view.
2. If any trauma is noted or anything suspicious is discovered during the body examination, the Investigator will attempt to contact the Certifier (PMD) and obtain the following information:
- a. Length of time PMD has known the deceased
  - b. Diagnosis / prognosis
  - c. Date last seen
  - d. Confirmation that the PMD has or will sign the DC
  - e. Cause of death listed on the DC
  - f. Does the PMD think that there is any reason why the Medical Examiner should refrain from issuing the permit pending further investigation, i.e.- trauma, criminal wrongdoing, etc.
  - g. The information received from the PMD shall be entered as a narrative, in the medical history field, on the 'Medical History' page, in VAST
3. The receiving Investigator shall determine where the body will be viewed.
- a. If the cremation request has been received before 0800 hours and the body is to be viewed at a facility other than the MEO, then the Investigator designated to view cremations that day will proceed to the agreed upon location for viewing. If, upon arrival at the Funeral Home location, it is indicated that there are additional cremations to be viewed, the investigator will obtain as much demographic information from the funeral director as possible, then perform the additional views. A case number will be obtained upon returning to the office and information is input into CME as appropriate.



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- b. If the cremation request is received after 0800 hours, the Investigator will inform the caller that the viewing will take place the following day. The caller will always be given the opportunity to bring the body to the MEO for view.
4. The Investigator, when performing the body examination, will use a body exam form (7659 R2) to document his / her findings. The deceased's name, case number, etc... will be inscribed on the body examination form.
  - a. The body examination shall include:
    - i. A minimum of two (2) digital photos ie. - frontal and lateral view of the deceased's face, to be downloaded into the proper case file in the system
    - ii. A right index fingerprint
    - iii. Appropriate specimens (when applicable, ie when trauma is noted)
    - iv. The fingerprint card should have a label affixed, inscribed with the decedent's name, case number, date of death, age, and Investigator initials. It shall be placed in an envelope bearing the same information and inserted into the hard file.
5. In cases in which trauma is noted, the information documented on the body exam (7659 R2) will be entered on the 'Body Exam' page in VAST, and the 7659 R2 will be placed in the upright file on the cremation table for future reference. Otherwise, the "no trauma noted" box will be checked and the date and time of examination (only) will be entered.
6. Policy pertaining to issuance of a cremation permit:
  - a. Before a body is cremated, there is a 48-hour waiting period from the date and time of death, unless a contagious or infectious disease caused the death. The waiting period cannot be waived for religious reasons, or for the family's convenience.
  - b. The funeral director, or family member, must submit a completed death certificate listing the cause and manner of death, signed by the attending physician, before issuance of the permit. A copy of the death certificate shall be attached to the cremation request form.
  - c. Medical Examiner personnel, before issuance of the permit, must examine the body.



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- d. The Medical Examiner, Investigator-in-Charge, or the Operations Manager must authorize the issuance of a permit. A Forensic Investigator can issue a permit when none of the above is available. Whoever grants authorization for the issuance of a cremation permit shall sign the bottom of the 'Release to Cremate' document.
- e. In many situations, direct contact with the treating physician will not be possible and is not necessary prior to the funeral director's submission of the signed death certificate, and request for the issuance of the permit. In such a situation, authorization for the issuance of a permit may be granted by a Medical Examiner, Investigator-in-Charge, or Operations Manager, provided:
  - i. The body has been examined, and is free of any evidence of external trauma
  - ii. The signed death certificate lists a natural cause of death with no suggestion that the death is a result of an accident, homicide, or suicide. Causes of death such as cardiac arrest, cardiopulmonary arrest, anoxic encephalopathy, sepsis, subdural hematoma, etc., require direct contact with the signing (treating) physician, for further clarification, before the permit is issued.
  - iii. Authorization for issuance of a cremation permit should also be held in abeyance pending direct contact with the signing physician, when any of the following conditions, or terms appear on the submitted death certificate: Injury, fracture (fx), burn, cut, abrasion, contusion, laceration, dislocation, hematoma, wound, puncture, blunt force, overdose, drowning, electrocution, accident, crash, fire, suicide or attempted suicide, SIDS, SUDI, Unknown cause, etc.

Completed body exams, etc., are to be maintained in the upright file on the cremation worktable in the Investigator's area, prior to the issuance of the cremation permit. When all tasks have been completed, and the permit issued, the cremation forms will be filed.



## Policy and Procedure Manual

### Investigation Division

**TITLE: Death of a Foreign National**

**PURPOSE:** To outline the notification procedure in the case of the death of a foreign national

**RATIONALE:** It is the responsibility of the Medical Examiner's office or law enforcement to notify the embassy of any foreign national that dies under our jurisdiction.

**PROCEDURE:**

- A. Once it is confirmed that a decedent is in fact a foreign national, this information must be forwarded to the embassy of their country of origin. This link might be helpful:  
<http://www.state.gov/s/cpr/rls/dpl/32122.htm>. Alternately, a standard web search may be even more productive.
- B. In the special case of the death of a diplomat, the U.S. State Department must be notified. The following numbers should be used:
  - a. Regular business hours – 888-407-4747
  - b. After hours – 202-647-5225
  - c. State Department Operations Center – 202-647-1515



# Policy and Procedure Manual

## Investigation Division

### **TITLE: Death Pronouncement and Time of death**

**PURPOSE:** To clarify authority and expectations regarding the pronouncement of death. To standardize the “official” time of death

**RATIONALE:** In the health care setting, death is normally pronounced by physicians (or RNs in the hospice setting), and the “pronounced” time of death and actual time of death are either identical or within a few minutes of each other. Elsewhere, responders such as paramedics, emergency medical technicians, or medical examiner investigators pronounce death. While the interval between actual and pronounced death may be prolonged in such cases, it is desirable to minimize this gap as much as possible. Clearly, there must be only one “official” time of death

### **PROCEDURE:**

- A. In cases involving scene response by either paramedic or emergency medical technician teams, the “official” time of death shall be the time that death is pronounced by that team; the medical examiner investigator will obtain the official time of death via contact with the team leader and/or from their submitted report. This time of death will be acceptable only if associated with a specific, responsible individual. A separate death pronouncement by the medical examiner investigator will not be necessary.
- B. Medical examiner investigators will not respond to scenes “just to pronounce death.” However, the presence of an experienced death investigator at a scene is important and necessary for many other reasons beyond simple death pronouncement, and this policy in no way changes the expectation for such attendance.



# Policy and Procedure Manual

## Investigation Division

### TITLE: EXPOSURE CONTROL POLICY

PURPOSE: The purpose of the Exposure Control Policy is to:

- 1) Educate all Medical Examiner employees in “universal precaution” procedures.
- 2) Address employee responsibilities as they relate to personal protection and safety.

AUTHORITY: Milwaukee County Medical Examiner  
Milwaukee County Civil Service Rule VII,  
Section 4(1)(i) and (j)  
OSHA Bloodborne Pathogen Standard  
29CFR1910.1030  
Needlestick Safety and Prevention Act  
WI Dept. of Health and Family Services  
Compliance Directive CPL 2—2.44D  
WI Statute Chapter 101.55

**RATIONALE:** It is with a reasonable anticipation that Medical Examiner employees will be exposed to blood or other potentially infectious material (OPIM) in the course of performing their job duties. All blood and OPIM will be considered infectious regardless of the perceived status of the source individual. It is with the highest regard for employee safety that this policy is developed and implemented.

**PROCEDURE:** To ensure compliance with our Bloodborne Pathogens Exposure Plan, the practices listed below are to be followed at the Milwaukee County Medical Examiner’s Office.

1. All blood and OPIM will be considered infectious and handled appropriately. OPIM includes semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, amniotic fluid, unfixed organs or tissues, all cultures, and any other materials visibly contaminated with blood.
2. Because of the reasonable anticipation of exposure to blood and/or OPIM on the job, personal protective equipment (PPE) is provided for ME employees including:



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- a. Eye and face protection – face shield, goggles or safety glasses, hair covers, N95 respirators
  - b. Protective clothing – scrub suits, gowns, aprons, sleeves, gloves, shoe covers
3. Engineering and work practice controls shall be used to minimize or eliminate potential employee exposure
4. Hands are to be washed with soap and warm water immediately after any specimen contact, suspected exposure incident, and after removal of gloves or other PPE
5. Visitors are not to handle needles and/or sharps. All needles and sharps are to be placed in the nearest sharps container after use.
6. Staff and visitors need to be aware that all work surfaces may be sites of possible contamination. All contaminated work surfaces are to be cleaned or decontaminated after any spill of blood or OPIM, after completion of procedures, as well as at the end of the work shift if surfaces have been used since the last cleaning.
7. Eating, drinking, applying cosmetics or lip balm, and handling contact lenses are prohibited in the work area. Food and beverages will not be kept in refrigerators, freezers, cabinets, shelves, or counter tops where blood and/or OPIM can reasonably be anticipated to exist.
8. In the event of an exposure to blood and/or OPIM, the exposed area must be washed immediately with soap and water. For mouth exposure, wash with water. For eye exposure, irrigate with the eye wash systems located in the autopsy suite
9. Immediately report all occupational exposure incidents to a supervisor, or the Safety Officer, in order to initiate the necessary treatment measures. An occupational exposure is defined as skin, eye, mucous membrane or parenteral contact with blood and/or OPIM
10. Since this office utilizes universal precautions in the handling of all specimens, biohazard labeling and/or color-coding of packaging is not necessary within our facility. Such labeling is necessary when specimens or containers leave this facility.

REFERENCE: OSHA Bloodborne Pathogens Standard 29 CFR 1910.1303.  
Needlestick Safety and Prevention Act, WI Dept. of Health and Family Services  
Compliance Directive CPL 2-2.44D



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## Investigation Division

**TITLE:** Notification of Next-of-Kin

**PURPOSE:** To Establish Protocol for Notifying the Next-of-Kin (NOK) of Deceased Persons

**AUTHORITY:** Wisconsin State Statute s. 157.02

**RATIONALE:** Prompt notification to the family helps to expedite the positive identification process, and assists the Medical Examiner in obtaining pertinent information needed to determine if an autopsy is necessary to determine the cause and manner of death.

**PROCEDURE:**

- 1) Determine who is the legal next-of-kin. The hierarchical succession of NOK, in order of priority, is as follows:
  - a) spouse
  - b) children, and if minor children their legal guardian
  - c) either parent
  - d) adult brother or sister
  - e) grandparent
  - f) other relatives
  - g) guardian of the decedent at the time of death
- 2) Make, or arrange for, notification to the legal NOK as soon as possible.
- 3) Make notification in person, or arrange for such a notification. Notifications in person allow the notifier to provide comfort, and give medical assistance if a medical emergency occurs as a result of the notification. *Avoid telephone notifications when possible.* If a telephone notification is necessary, ask the person notified if there is someone (e.g., clergy, friend, co-worker) they can call to be with them, if necessary.
- 4) Be prepared to establish and verify NOK status to ensure the correct person is being notified of the death.



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- 5) Be prepared to answer questions pertaining to the circumstances surrounding the death, where the body is, what will happen to the body, and what the family needs to do in preparation for disposition of the body.
- 6) Be supportive. Be aware of the emotional and physical needs of the NOK, and be prepared to direct them to support groups, if necessary.
- 7) Make sure the notified family member is not left alone following the death notification.
- 8) If necessary, after making notification to a family member, allow that family member time (2 hours) in which to contact other relatives to make them aware of the death, before releasing the identity of the deceased to news media.
- 9) Document the date and time of notification, and identity of person notified. Also document all notification efforts whether successful or unsuccessful. Such documentation could serve to avoid potential legal action involving the office if NOK believed ordinary diligence to locate, and notify NOK, was not engaged in by the office.
- 10) If no relative is known, or discoverable by use of ordinary diligence, notice may be dispensed with.
- 11) If no NOK are discovered by use of ordinary diligence (30 days), referral for county burial may be made.

REFERENCE: State Statute and Chapter 2, Section 9 – Notify Next-of-Kin, Medicolegal Death Investigator training text



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**TITLE: Notification Of the Medical Examiner and On-call Pathologist**

**PURPOSE:** To allow the on-call Pathologist the opportunity to personally examine a scene, if helpful or necessary.

**AUTHORITY:** Milwaukee County Medical Examiner

**RATIONALE:** On-scene investigative activity by the Forensic Pathologist may be of assistance in interpreting autopsy findings, and can also serve to enhance the pathologist's credibility as an expert witness in relation to those findings.

**PROCEDURE:** The Forensic Investigator shall notify the on-call pathologist of a death in the following situations:

1. Deaths involving police activity, including deaths in custody
2. Multiple deaths
3. Child (under age 17) deaths involving trauma or without substantial medical history
4. Industrial / workplace accidents
5. At the discretion of the Investigator
6. Deaths involving permission for organ donation

Notification shall be made to the on-call pathologist regardless of the location of the body or bodies



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**TITLE:** **Organ and Tissue Procurement Notification and Assistance**

**PURPOSE:** To assist the local Organ Procurement Organization (OPO), tissue bank, and eye bank in identifying and procuring potential donors

**POLICY:** The Medical Examiner's Office will provide necessary support and assistance to maximize the number of cases eligible for organ and/or tissue donation.

**PROCEDURE:**

1. In cases involving potential organ donation (aside from heart valves), the investigator will facilitate communication between the OPO coordinator and the on-call pathologist; such donation must of necessity occur before the autopsy.
2. To facilitate tissue / cornea donation, prior to the end of the shift, the investigator will notify the OPO of any death between the ages of newborn and 85 years and when the time of death is known to be within the past 24 hours. In hospital deaths, the investigator must clarify with the hospital the OPO contact, and make notification if necessary.
3. The investigator will document the OPO representative and the date and time in which the notification was made in the narrative on the location page of CME. If hospital notification was completed, documentation of such contact in the supplemental report is indicated. The investigator will also document the status of the donation on the whiteboard in the investigator's area.
4. When presented with a request for donation by the OPO, the investigator will notify the pathologist on call for direction as to the authorization to proceed with donation. This policy will apply to "exam" and "body release" cases. For cases not falling within our jurisdiction ("non-reportable") or those released from our jurisdiction ("case waived"), no pathologist notification is necessary. In order to maximize tissue retrieval, the process may occur either before or after the autopsy, at the direction and discretion of the pathologist.



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5. When presented with a valid permission form, the investigator will verify the identity of the body and remove the body from the cooler for the procurement team. The investigator will undress the body, appropriately documenting on paper and electronically, all the clothing and personal items found on the decedent. (See Body Admission Policy and Clothing Processing and Retention Policy). Upon completion of the procedure, the investigator will confirm the body is placed back in the cooler.
6. The OPO will call twice daily (first and second shift) to “check in” with the MCMEO to make sure all cases have been appropriately referred.

REFERENCE: Clark S., et al., Medicolegal Death Investigator (Big Rapids, MI: ORA Publications, 1996), pp: 32-38.

### Notice to Family of Deceased/Next of Kin

It is the policy of the Milwaukee County Medical Examiner's Office to provide optimum service following sound and proven scientific principles. To accurately determine the cause and manner of death, it is often necessary to retain personal items including clothing, tissue samples, and occasionally entire organs such as the brain or heart for further diagnostic analysis. Personal effects can generally be made available for pick-up through the funeral home of your choice. Tissue and/or whole organs are normally cremated, similar to specimens removed in the operating room, as returning the tissue and/or organs with the body would entail significant delay and expense to families. Should you wish an exception to this standard procedure, need any assistance, or have any questions, please notify this office at (414) 223-1200 as soon as possible.



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TITLE: Pediatric Death Investigation

PURPOSE: To outline the various procedures specific to pediatric death cases

AUTHORITY: Milwaukee County Medical Examiner

RATIONALE:

1. Pediatric, as opposed to adult death investigation, carries a number of unique challenges and requirements. Infants under the age of 30 days, properly termed neonates, are physiologically and metabolically different than older infants. Infants and children are dependent in most ways on their adult caregivers and are thereby more vulnerable to abuse and neglect. Older children, although “medically” more mature, are often more impulsive and prone to outside pressures than adults.
2. As sick or injured infants and young children cannot communicate well or at all, history must generally be obtained from their adult caregivers – often difficult during such times of great stress and particularly when a caregiver might actually be a perpetrator.
3. Given the challenging nature of these cases, as many information sources as possible should be developed. Additionally, agencies such as the District Attorney need to join the process as soon as possible in suspicious cases.

PROCEDURE:

1. The deaths of all children (17 years and under) that die outside the hospital or come in from outside and die in the E.R. are to be reported to the pathologist on-call. The on-call pathologist will then make a determination whether or not to "activate" the child death investigation team (CDIT) which consists of the on call pathologist (team leader), MCMEO investigator and D.A. representative who is on call. Some or all of the activated CDIT members will then respond to the death scene.
2. Scene reconstruction using an infant doll will generally be used in cases of suspected sudden infant death syndrome, or when there are considerations of unsafe sleep environment, co-sleeping, or overlying. Reconstruction should be documented via digital photographs.



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3. In the case of infant deaths, objects at the death scene (for example, covers or toys in a crib, recently used bottles of milk/formula, etc.) should be retained as evidence as appropriate. In the case of older children, special attention should be directed towards adult medications, cleaning products, etc., as may be pertinent to the cause of death.
4. History in infant deaths must include maternal (obstetrical) history as well. In the case of stillborn or newborn infants, the placenta is considered an integral portion of the investigation.
5. As is the case with adult death, every effort will be made to facilitate tissue and/or organ donation in these cases.
6. Whole-body X-rays will always be ordered in exams of infants (age under 1 year) unless hospital films are available; in such cases, copies should be requested.
7. For all infant deaths, the Investigator will contact the Wisconsin State Lab of Hygiene to obtain the results of the neonatal screen performed (if available).
8. Referrals will be made to the SIDS center, Child Protective Services, and FIMR at the Health Department.



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## Investigation Division

**TITLE: Handling Deaths Involving Police Activity / Custody**

**PURPOSE:** To establish guidelines for handling deaths involving police activity or deaths in custody

**AUTHORITY:** Wisconsin State Statutes s. 59.34; s. 69.18 (2) (d); and s. 979.01

**RATIONALE:** Deaths involving police activity, and/or occurring while a person is in police custody have the potential to challenge the public trust. Such cases may also at least appear to present conflict of interest issues, particularly when the involved agency is also the investigating agency.

### **PROCEDURE:**

- 1) The Investigator upon being notified of a death involving police activity, including deaths in police custody, shall immediately notify the on-call Pathologist and the District Attorney's Office.
- 2) Attendance by the on-call pathologist at the death scene may in some cases be helpful; determination of such attendance will be made on a case-by-case basis.
- 3) The Investigator on scene shall immediately generate 2 digital photos (overview and close-up) for identification purposes, if possible (see #5 and 7 below). Paper bags should be placed over the hands.
- 4) No specimens shall be obtained, unless instructed by the on-call Pathologist. Clothing may be moved to facilitate obtaining core temperature, if appropriate. In such cases, ambient temperature should be recorded as well.
- 5) Clothing shall not be removed from the body, unless instructed by the on-call Pathologist.
- 6) Visible personal property at the scene, and personal property revealed by a search of the body at the scene, shall be documented by the scene Investigator, and a copy of such documentation shall accompany the body to the morgue.
- 7) The body shall not be washed, or therapeutic devices removed.



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- 8) Fingerprinting of the deceased by this office, or a police agency, shall not be performed, unless authorized by the on-call Pathologist
- 9) Visual identification, if required, shall be restricted. No family members, etc., making visual identification shall be allowed to have direct contact, or access, to the body
- 10) If the involved police agency issues a non-disclosure order, all persons requesting information about the death shall be referred to that agency, or the officer in-charge of the investigation. Non-disclosure does not, of course, limit the actions of this office taken in pursuit of information to accurately determine cause and manner of death, identification of the deceased, etc.
- 11) Obtain as extensive a medical and social history of the victim as possible, including past injuries or suicide attempts. In the jail setting, if the victim requested medical help in writing, obtain a copy of that form.
- 12) Document the reason that the deceased came into contact with the police.
- 13) Determine whether the deceased was fed while in custody and what he was served.
- 14) Determine the exact circumstances surrounding the discovery of the fatal incident. If possible, interview all relevant police personnel on duty in the lockup (if applicable) at the time.
- 15) In hanging cases, obtain a detailed description from the person who took the body down describing how they did it. Consider whether an injury to the body may have occurred at this time.
- 16) Get a detailed description of all resuscitation efforts and any other medical treatment rendered to the deceased.
- 17) Make a detailed visual and photographic examination of the scene of death. In hanging cases, obtain information regarding how the ligature was attached to the point of suspension, and how it was placed about the neck.
- 18) Insure that the ligature, all of the deceased's clothing, and any medications belonging to the deceased are transported to the office.



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- 19) Obtain copies of any photographs taken of the deceased during his arrest, booking, and incarceration.
- 20) Request available records and reports, including police investigative reports, video and/or audio recordings, etc. Document requests within the case log, and document receipt of the requested materials.
- 21) If police officials refuse to cooperate in any way, contact your superiors for advice and assistance.



# Policy and Procedure Manual

## Investigation Division

### **TITLE: Postmortem Identification**

**PURPOSE:** To outline processes and techniques for postmortem identification

**RATIONALE:** Of the various questions addressed via the postmortem investigative process, the first is usually “who is this?” Establishment of identification leads to additional critical information, such as medical history, next-of-kin, etc. Reliable identification is crucial, particularly when most difficult – multiple fatalities, unrecognizable bodies, etc. Adherence to standard procedures will help prevent embarrassing and potentially very public mistakes.

### **PROCEDURE:**

1. For deaths occurring in medical (hospital, clinic, hospice, etc.), extended care (rehabilitation facility, nursing home, etc.) or similar health care facilities, their identification will be acceptable, including wristband, toe tag, staff statement, etc.
2. Identification by next-of-kin or other family member will be acceptable in cases of death in residence, via either direct viewing or viewing of a current photograph (taken by the Investigator; not the driver’s license photograph).
3. In cases of traumatic death, identification by next-of-kin is best facilitated by current photograph and will be acceptable provided that the facial features (or other distinctive features) are generally “recognizable.”
4. Certain cases (homicides, burnt, fragmented, or otherwise unrecognizable bodies, etc.) will require scientific identification if possible. Scientific methods include:
  - a. Fingerprint (or toe print) comparison
  - b. Dental comparison
  - c. X-ray comparison (dental or features other than dental)
  - d. Implanted serialized devices, such as cardiac pacemaker
  - e. DNA comparison with appropriate individual or family exemplar
5. Fragmented and/or skeletonized remains require an individualized approach with potential consultation including physical anthropology, forensic dental, etc.



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6. Ultimately, the acceptability of identification in a case is the responsibility of the attending forensic pathologist.



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## Investigation Division

**TITLE: Milwaukee County Medical Examiner's Procedures For Reportable Deaths**

**PURPOSE:** Establish Guidelines for Reportable Deaths to the Medical Examiner's Office

**AUTHORITY:** Wisconsin State Statutes s. 979.01 and s. 979.10; and Medical Examiner

**RATIONALE:** Certain deaths must to be reported to the Medical Examiner, pursuant to State Laws.

### **PROCEDURE:**

#### **A. Cases Which Must Be Reported**

1. Deaths meeting the requisite criteria must be immediately reported to the Medical Examiner. In the event that the injury causing death occurred within another county, the Milwaukee County Medical Examiner must be notified and will then refer the case investigation to the appropriate county.
2. All physicians and other persons having knowledge of the death of any person who has died under the following circumstances shall immediately report such death to the Medical Examiner:
  - a. All deaths in which there are unexplained, unusual or suspicious circumstances
  - b. All homicides
  - c. All deaths due to poisoning, whether homicidal, suicidal, or accidental
  - d. All deaths following accidents, whether the injury is or is not the primary cause of death
  - e. When there is no physician or accredited practitioner, who has attended or treated the decedent within 30 days preceding death
  - f. When the physician caring for the decedent refuses to sign the death certificate
  - g. Maternal deaths due to abortions



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- h. Deaths of inmates in Public Institutions, who have not been hospitalized for organic illness
- i. Deaths of persons in custody of law enforcement officers
- j. Deaths that occur in association with, or as a result of diagnostic, therapeutic, or anesthetic procedures
- k. Deaths due to neglect
- l. Fetus of 20 weeks or older, unattended by a physician or practitioner
- m. Sudden deaths of persons not disabled by recognizable disease processes, in which a fracture of a major bone (femur, humerus, tibia) has occurred within the past six months
- n. Deaths occurring outside of a hospital or nursing home, and not registered with an official hospice program
- o. Occupational related deaths attributable entirely or in part to external work place factors
- p. SIDS cases. Sudden and unexpected deaths occurring in infants under the age of 1 year, under circumstances not explained by a pre-existing medical problem, must be referred to the Medical Examiner
- q. Any death in which there is a doubt as to whether it is a Medical Examiner case, should be reported and discussed with a Medical Examiner Investigator.

All deaths reported to this office are to be documented, and assigned a Medical Examiner case number. Whether a reported death is reportable pursuant to s. 979.01 shall be determined by the Medical Examiner.

### B. Procedures

1. It is unlawful to embalm or perform an autopsy on the body of any person who has died from any of the above circumstances, unless the person obtains authorization from the coroner or medical examiner of the county in which the death or injury occurred.
2. No body may be cremated within 48 hours following death. All bodies being cremated must be viewed by a representative of the Medical Examiner's Office prior to cremation.



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3. When a death falls into any of the above categories, an individual connected with the case should promptly notify the Medical Examiner's Office by phone (414-223-1200). When referring to a case, please have the following information available; name, address, age, sex, race, marital status, next-of-kin, summary of history, physical findings, name of the last attending physician, or other pertinent information.
4. Although the above case may be reported, the Medical Examiner reserves the right to accept or decline jurisdiction on a case-by-case basis. When the jurisdiction is declined, the attending physician signs the Death Certificate, and the disposition of the body is the responsibility of the next-of-kin.
5. Under no circumstances should clothing or effects be handled or disturbed prior to examination of the body, or the scene altered, including moving weapons, items near the body, or performing diagnostic tests, except by specific authorization from the Medical Examiner, his Deputies, or Investigators. The body must be maintained in its original state. Personal effects and clothing obtained in Emergency Room situations must be meticulously protected, saved, and released to the Medical Examiner or Law Enforcement Personnel.
6. The body may not be released to anyone other than Medical Examiner personnel, unless so authorized by the Medical Examiner.
7. When a death in a Medical Examiner's case occurs in a local hospital, an autopsy, if one is to be performed, will be performed at the Milwaukee County Medical Examiner's Office, by the Medical Examiner's staff. Occasionally the Medical Examiner may conclude that our autopsy is not mandatory for the investigation, and the autopsy will thus be permitted to be performed by a hospital pathologist, if he or she has received signed authorization from the family to perform the post.
8. The Medical Examiner's Office must be contacted prior to the harvesting of any organs or tissues from any Medical Examiner's cases.



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9. Next-of-kin should be directed to the Medical Examiner's Office, 933 W. Highland Ave., Milwaukee, WI 53233, 414-223-1200, for more information and circumstances of the death, cause of death, and concerns about personal effects.

#### **C. Information and Services**

1. Information concerning the cause of death may be obtained from the Medical Examiner's Office. The family may obtain a detailed letter describing the autopsy findings, investigation, and subsequent death certification, available free of charge, from the Medical Examiner's Office.
2. All other reports may be obtained for a nominal fee.

**REFERENCE:** Wisconsin State Statutes



# Policy and Procedure Manual

## Investigation Division

**TITLE: Scene Investigation Policy**

**PURPOSE:** To establish criteria for scene investigations

**AUTHORITY:** Medical Examiner

**RATIONALE:** Scene investigations are more thorough and comprehensive than telephone investigations. By responding to the scene, the Investigator is able to make personal observations and uncover conflicting information

**PROCEDURE:** The Forensic Investigator receiving the initial report of a death, in which the decedent is 1) found dead and 2) a death pronouncement is required, has the responsibility for conducting a scene investigation and making the death pronouncement. A decedent is considered found dead if he / she was not in contact or in close proximity to a witness prior to death, and if during the paramedic's assessment is found to be asystole.

Scene Investigations are also required when the body remains at the scene in the following situations:

- 1) All violent deaths
- 2) Non-violent deaths involving persons under 30 years of age\*
- 3) All suspicious deaths
- 4) Sudden and/or unexpected deaths for which existing medical history is insufficient to explain death
- 5) Police-involved deaths (pursuit, in custody, etc.)
- 6) Deaths in the workplace, while performing work related duties
- 7) Multiple Fatalities

\* In situations involving multiple fatalities or the death of an infant (<2 years of age) a scene investigation is required even if the remains have been removed from the scene.

If an Investigator receives the report of a death requiring a scene investigation 1 hour prior to the end of his / her shift, that Investigator will obtain as much information as possible from a caller, and will [after obtaining a case number] document the information into CME, and will hand the case off to a partner who



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has at least 2 hours remaining on his / her tour, or will save the scene for the oncoming Investigator, who is scheduled to be his / her relief.

If, however, the following shift is staffed by only one Investigator, the Investigator receiving the initial call shall respond to the scene and conduct an investigation.

### The Scene Investigation

1. Introduce and Identify Self and Role
  - a. Identify and document the lead investigator
  - b. Identify and document other essential officials at the scene
  - c. Identify and document first responders; request and/or obtain copies of their reports
2. Determine Scene Safety
  - a. Assess scene boundaries
  - b. Park safely, secure vehicle
  - c. Identify incident command
  - d. Obtain clearance of officer responsible for scene safety to enter scene
3. Confirm or Pronounce Death
  - a. Locate and view body
  - b. Check for vital signs/reflexes as appropriate
  - c. Identify and document individual pronouncing death; obtain their date/time
4. Participate in scene briefing with officer in charge
  - a. Document scene location
  - b. Determine nature and scope of investigation
  - c. Obtain initial witness accounts of incident
5. Conduct Scene "Walk Through"
  - a. Identify visible evidence
  - b. Obtain environmental temperature as indicated by scene
6. Photograph the Scene
  - a. Obtain overall views even if the body or other evidence has been removed
  - b. Photograph specific areas as needed
  - c. Photograph from different angles



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7. Photograph the Body
  - a. Photograph the body and immediate scene
  - b. Photograph the decedent's face
  - c. Re-photograph scene once body is removed
8. Conduct External Body Examination
  - a. Describe the presence or absence of any relevant items or objects on or near the body
  - b. Describe physical characteristics
  - c. Document the presence or absence of clothing and personal effects
  - d. Inventory evidence or personal effects
  - e. Document visible injuries
  - f. Document resuscitative items or artifacts
  - g. Document postmortem changes: livor, rigor, algor mortis, decomposition, insect and/or animal activity.
9. Preserve Evidence
  - a. Photograph the evidence
  - b. Place the decedent's hands in clean paper bags (as indicated)
  - c. Collect trace evidence as indicated and ensure proper packaging, labeling, and transport
  - d. Fill out evidence/property receipt form
  - e. Obtain signature of witness
  - f. Determine the disposition of any valuables or property
  - g. If present, collect suicide note(s) and place in a plastic bag
10. Participate in Scene Debriefing
  - a. Determine jurisdiction of body
  - b. Determine post-scene responsibilities (identification, notification of next-of-kin, press relations, and evidence transportation)
  - c. Share investigative data as required
  - d. Communicate special requests to appropriate agencies and personnel as indicated by the scene and circumstances
11. Notification of Next-of-Kin
  - a. Determine the legal next-of-kin in order of the following
    - i. Surviving married spouse
    - ii. Surviving adult children or their legal guardian, if minors
    - iii. Surviving parent
    - iv. Surviving siblings
    - v. Surviving grandparents
    - vi. Other surviving relatives



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- vii. Legal guardian / power of attorney
      - b. Determine who will make notification
      - c. Notify concerned agencies of status of notification
      - d. Do not make telephone notification of next-of-kin
      - e. Avoid releasing identity until (one hour) after initial notification or per official non-disclosure request
- 12. Ensure security of remains
  - a. Place body in a clean body bag; use two bags in homicide cases
  - b. Identify property and clothing to be retained as evidence
  - c. Place identification on each body
  - d. Supervise removal of the body from the scene to the transport vehicle
  - e. Place Lock on body bag and complete livery service document
- 13. Release Jurisdiction of the Body
  - a. Confirm and record date, time, and location of death
  - b. Document and arrange with authorized agent to complete death certificate information
  - c. Release body to funeral director or other authorized receiving agent



**MILWAUKEE COUNTY MEDICAL EXAMINER'S OFFICE**  
**933 West Highland Avenue**  
**Milwaukee, WI 53233**  
**Office: (414) 223-1200 Fax: (414) 223-1212**

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## **MEDICAL RECORDS REQUEST**

**Medical Records Designee:** Wisconsin State Lab of Hygiene  
(Fax: 608-262-5494)

**Date:**

**Decedent:**

**ME Case Number:**

**Date of Birth:**

**Date of Death:**

**Hospital Born At:**

**Decedent's Mother:**

**Mother's Date of Birth:**

In accordance with s. 146.82 (2) Wisconsin Statutes, this letter serves as an official request by the Medical Examiner for the health care and treatment records specified for the above listed person. The records are required for completion of the investigation into the death.

**Records Requested:**

- Newborn Metabolic Test Screening Panel

**Please fax requested records to (414) 223-1212**

Thank you for your cooperation.

Forensic Investigator



# Policy and Procedure Manual

## Investigation Division

**TITLE: Specimens (when to draw, what to draw, how to draw, and labeling)**

**PURPOSE:** To set standards for obtaining specimens

**AUTHORITY:** Wisconsin State Statutes s. 69.18 (2) (d); s. 979.01 (3); s. 979.02; and s. 979.03

**RATIONALE:** Blood and body fluid specimens are required for toxicological analyses, and are essential in assisting the Medical Examiner in determining the cause and manner of death.

**PROCEDURE:**

1. Investigators shall attempt to draw blood at the time of a body examination, except under the following situations
  - a. Homicides or suspected homicides
  - b. Deaths involving police custody or activity
  - c. Hit and run pedestrian traffic fatalities
  - d. Deaths involving infants or children (age under 18)
  - e. Industrial deaths involving trauma
  - f. Referral cases
2. The specimen to be drawn by the Investigator is subclavian blood. In cases of WTB interest, an extra syringe of subclavian blood may be drawn, if possible. A computer-generated case label should be placed on this second syringe, which then may be left with the body (remove the needle and bag the syringe).
3. The needles and syringes used by the Investigator are disposable, and shall be used only once, and appropriately discarded. Do not recap a needle with the needle shield or cap. If a needle or syringe can not be properly disposed of at the site of the examination, the needle shall be placed in the biohazards dispensers supplied by the office, and transported back to the ME morgue for proper disposal. Gloves, etc., used by the Investigator when drawing specimens shall be disposed of in the same manner.
4. Specimen labels are to include the deceased's name, case number, date of death, type of specimen, date and time the specimen was obtained, and initials of the Investigator drawing the specimen.



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### Investigation Division

5. Specimens drawn at funeral homes, and death scenes, and from bodies examined at, but not admitted to the morgue, are to be placed in the specimen holding basket located in the morgue cold room (cooler).
6. When the body is admitted to the morgue, specimens are to be placed on the gurney with the body.
7. Specimens placed on a gurney, or in the holding basket, are to be placed in a white top specimen bag, and the white portion of the bag is to be inscribed with the case number, date specimens are obtained, and the deceased's last name (also first initial, if there are 2 or more admissions at the same time with the same last name).
8. Specimens shall not be brought into the office area, unless contained in a sealed plastic bag or container.
9. Antemortem specimens picked up from a hospital lab are to be labeled as stated above, and placed in the white top specimen bag on the gurney with the decedent if autopsy has not yet been performed. If the autopsy has been completed, these specimens are to be placed in the holding basket in the cooler. Investigators are to document in CME under the Location page that specimens were picked up at (name of ) hospital and where they were placed upon return to the office. The form that is completed when accepting jurisdiction of the specimens is appropriately filled out and placed in the case file.



# Policy and Procedure Manual

## Investigation Division

**TITLE: Suicide Investigation**

**PURPOSE:** To specify approach issues in cases of clear or suspected suicide.

**AUTHORITY:** Milwaukee County Medical Examiner

**RATIONALE:** As opposed to many other types of death scene, the suicide scene often involves additional objects or items of importance to determining cause and manner of death. The handling and processing of such items necessitates cooperation between this office and police agencies, attention to survivor issues, and inventory considerations.

**PROCEDURE:**

1. Approximately 30% of suicides involve a suicide note. In general, such notes are addressed to family, survivors, etc., and not to this office. However, the presence of a note is clearly of investigative importance, and the content may be valuable. For purposes of our investigation, the original note is not necessary; a copy is sufficient, and a copy of the note should be retained for our files and available at the time of autopsy. A high-resolution digital photograph serves well when photocopying is impractical. Digital photography is a good solution for documenting notes upon "alternate" media such as computer monitors, cellular telephones, etc. Following documentation of the note by either copying or photography, it may be released to the police agency if appropriate or to the family.
2. In lieu of an actual suicide note "suicide note equivalents" may be present at the scene. Such equivalents may include religious objects (rosary, etc.), open books such as the Bible, photographs, etc. While these objects need not be taken from the scene, their presence must be documented both photographically and in the report.
3. The recovery of actual suicide implements to this office is a matter for practical judgment. In some cases – hanging, cutting, poisoning for example – it is a simple matter to recover and retain a ligature, a knife, medication bottles, etc. Cases involving firearms will require cooperation with the police agency involved, as they will typically take the firearm and, ideally, bring it to the autopsy for examination of the body and wound. Inevitably, there will be cases in which implement recovery is just not practical due to size or other considerations. In this group, thorough written and photographic documentation is a must.



# **Policy and Procedure Manual**

## **Investigation Division**



# Policy and Procedure Manual

## Investigation Division

### TITLE: X-Ray Guidelines

PURPOSE: To standardize X-ray ordering routines for a variety of cases

RATIONALE: Radiographs are essential as an ancillary study in forensic medicine for the following reasons:

1. Documentation of the presence or absence of injuries
2. Documentation of the presence or absence of physical evidence, and its successful recovery
3. Documentation of the presence or absence of physical evidence, and its successful recovery
4. Assistance in the identification process
5. Utilization as a courtroom aid

PROCEDURE: The investigator will order radiographs at the time of admission of the body in the following cases:

1. Homicides
2. All children under the age of 5, unless indicted otherwise
3. Incinerated or decomposed bodies when the skin cannot be examined

With respect to homicides involving sharp force, images of the injured region (i.e., torso, head, etc.) will suffice. For gunshot cases, anterior-posterior views of the head/neck, chest, abdomen, and pelvis are routine. Additional images should be ordered initially if other anatomic areas (i.e., extremities) are involved, with lateral views as projectiles are discovered on the routine images. In pediatric cases, sufficient images to encompass the entire body are routine; for infants, additional views of the major joints (shoulders, elbows, knees, ankles) should be taken in addition to the "babygram." Incinerated and/or severely decomposed bodies should be treated as gunshot homicides.

Radiographs may be ordered at the discretion of the pathologist in the following cases:

1. Traffic accident deaths.
2. To aid in the identification of decomposed persons.
3. To aid in the identification and recovery of physical evidence.
4. Blunt force trauma.
5. Documentation of soft tissue injuries.
6. Documentation of other findings such as: air embolism, neck injuries, etc.

Pediatric studies will be reviewed in consultation with radiology staff at Children's Hospital of Wisconsin (CHW).



# Policy and Procedure Manual

## Toxicology Laboratory Division

### TITLE: Specimen Accessioning

**PURPOSE:** To document the protocol to be followed in the Medical Examiners Toxicology Laboratory for accessioning of specimens and ordering of forensic analyses to be performed on specimens submitted to the toxicology lab.

**AUTHORITY:** SOFT/AAFS Forensic Toxicology Laboratory Guidelines  
**HCFA:** Clinical Laboratory Improvement Amendments of 1988

**RATIONALE:** The proper selection, collection, labeling and submission of specimens for toxicological analyses is of paramount importance if analytical results are to be accurate and their subsequent interpretation is to be scientifically sound. Adherence to this protocol for toxicology laboratory specimen processing and test selection will identify problems occurring during the pre-analytical phase of testing.

### PROCEDURE:

1. Specimens collected at autopsy will be labeled with a case label that includes: name, case number, age and/or date of birth, and autopsy date. Some tissue specimen bags may be hand labeled with name and case number. The specimen type (i.e. urine, gastric, blood, etc) and source (i.e. iliac, cardiac, etc) must be indicated as well as the initials of the individual who collected the specimen.
2. After sealing in submission bag, specimens collected on Medical Examiner's cases are submitted to the toxicology lab by dumb waiter along with Preliminary Autopsy Diagnosis (PAD) form indicating specimens and tests requested. Specimen accessioning and test ordering is performed in the toxicology laboratory specimen accessioning area.
  - a. Specimens should be processed immediately upon receipt to the toxicology laboratory.
  - b. The PAD is stamped with date and time received along with initials of the technician receiving specimens.
  - c. The specimens are verified and corrected with necessary changes on the PAD sheet.
  - d. Cases are recorded into toxicology lab logbook with specimens received, their condition and the tests ordered.



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- e. If antemortem specimens are received they are logged in by draw time, date and tube type. Hand written times on tubes are used over computer generated times.
3. Any discrepancies identified during this process should be brought to the attention of the forensic laboratory technical supervisor, autopsy supervisor or pathologist assigned to the case so the appropriate corrective action can be initiated.
4. After specimens have been received and forensic analyses ordered, case specimen bags are transferred to a secured laboratory refrigerator for future analysis and storage until work on the case is completed.

## REFERENCE:

Accreditation Checklist. National Association of Medical Examiners.

SOFT/AAFS Forensic Laboratory Guidelines. Society of Forensic Toxicologists, Inc. & American Academy of Forensic Sciences, Toxicology Section, 2002.

*Principles of Forensic Toxicology*. Barry Levine ed. American Association for Clinical Chemistry Inc. USA, 1999. ISBN 1-890883-07-7.