



Iowa State University Department of Public Safety

Directive: 1.1

SUBJECT: AGENCY ROLE

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INDEX:

- 1.1.1 ROLE AND RESPONSIBILITY
- 1.1.2 OATH OF OFFICE
- 1.1.3 CODE OF ETHICS
- 1.1.4 CONSULAR NOTIFICATION
- 1.1.5 DIPLOMATIC AND CONSULAR IMMUNITY
- 1.1.6 DIVERSION PROGRAMS

POLICY:

The Iowa State University Department of Public Safety (ISU DPS) shall establish and maintain an atmosphere that allows persons within the community to safely conduct a variety of activities that are in furtherance of the mission of Iowa State University.

DEFINITIONS:

“Directive” refers to a specific course of action or mandate to perform a specific task.

“Foreign National” refers to any person who is not a United States citizen. This includes individuals possessing a Resident Alien Registration Card and undocumented immigrants.

“Foreign Diplomat” refers to a foreign government official appointed to conduct official negotiations and maintain political, economic, and social relations with other countries. This may include consular officers or ambassadors.

“Diversion” refers to any procedure that substitutes nonentry for official entry into the justice process; substitutes the suspension of criminal or juvenile proceedings for the continuation of those proceedings; substitutes lesser supervision or referral to a non-justice agency or no supervision for conventional supervision; or substitutes any kind of nonconfinement status for confinement.

PROCEDURE:

1.1.1 ROLE AND RESPONSIBILITY

The following describes procedures associated with the role and responsibility of the Department:

- A. The Department Mission and Vision shall be issued by the Chief of Police and modified as deemed necessary.
- B. To fulfill its mission, the Department shall be dedicated to providing a quality work environment. The professional development of its members shall be ensured through effective training and leadership.
- C. The primary goal of the Department shall be to provide the highest possible level of safety, security, and service. All persons shall be served with respect, fairness, and compassion. The Department shall nurture public trust by holding its members to the highest possible standards of performance and ethics.
- D. The professional responsibilities of departmental members shall include the following: protecting life; safeguarding property; preventing and controlling crime; investigating crime, apprehending offenders, recovering stolen property; preserving the peace and maintaining order; enforcing laws and university regulations; responding to emergencies; advancing cooperative relationships with students, faculty, and staff; creating a sense of safety and security through vigilant preventive patrol; accomplishing objectives within ethical and constitutional guidelines; and performing other services as required by the Chief of Police.

- E. The Department shall recognize and support, in action and in spirit, the philosophy that community policing and service is its foundation. Actions shall be driven by goals to enhance the quality of life, investigating problems as well as incidents, seeking solutions, and fostering a sense of security throughout the campus.
- F. To ensure the best delivery of service, the Department shall commit itself to continuous review, evaluation, and if necessary, modification of existing departmental programs, operations, and policies.

1.1.2 OATH OF OFFICE

The following shall govern procedures associated with the departmentally-adopted oath of office:

- A. All personnel, prior to assuming sworn status, shall take and subsequently abide by an oath of office to enforce the law and uphold the nation's constitution or basic law of the land and, where applicable, those of governmental subdivisions.
- B. All oaths of office shall be administered by judicial or university officials.
- C. The affected parties shall sign each oath of office form. The original copy shall be provided to the officer and a photocopy placed in the appropriate personnel file.

1.1.3 CODE OF ETHICS

All personnel must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing. The following shall govern the administration of a code of ethics to all personnel:

- A. The Department adopts the International Association of Chiefs of Police "Oath of Honor" as a guideline for all personnel in the performance of their duties. All personnel shall abide by the "Oath of Honor."

The "Oath of Honor" is as follows:

On my honor, I will never betray my profession, my integrity, my character or the public trust.

I will always have the courage to hold myself and others accountable for our actions.

I will always uphold the constitution, my community, and the agency I serve.

- B. Ethics training for all personnel will be conducted, at minimum, biennially.

1.1.4 CONSULAR NOTIFICATION

The Iowa State University Department of Public Safety is required by the Vienna Convention on Consular Relations, other international treaties, and the U.S. Constitution Article VI to notify all foreign nationals of their right to have consular officials assist them. When encountering any individual believed to be a foreign national, the following requirements shall be observed:

- A. When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified.
- B. In some cases, the nearest consular officials must be notified of the arrest or detention of a foreign national, regardless of the national's wishes.
- C. Consular officials have the right to visit a national who is in custody or detention, to converse and correspond with him or her, and to arrange for his or her legal representation.
- D. When a government official becomes aware of the death of a foreign national, consular officials must be notified. A fax sheet for consular notification of death, serious injury or illness is available in RePortal.
- E. When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, consular officials must be notified.
- F. When a foreign ship or aircraft wrecks or crashes, consular officials must be notified.

- G. The notification process must be conducted as soon as a determination has been made that the individual is a foreign national.

These are mutual obligations that also pertain to American citizens abroad. In general, officers should treat a foreign national as they would want an American citizen to be treated in a similar situation in a foreign country. This means prompt, courteous notification to the foreign national of the possibility of the consular assistance and prompt, courteous notification to the foreign national's nearest consular officials so that they can provide whatever services they deem appropriate.

There are special guidelines for the detention of foreign nationals. The information can be found by checking the U.S. State Department web site.

Foreign diplomats may have immunity from arrest and/or charges. The information can be found by checking the U.S. State Department web site.

- H. The following specifies the procedures for completing consular notification:

1. 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 citizen documentation or other evidence to the contrary, accept the foreign national's own statement as to his or her nationality.
2. Determine whether or not this country is a mandatory notification country. A list of mandatory notification countries is listed on the United States Department of State website www.travel.state.gov.

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:

1. Notify the nearest consulate of the foreign national's country via fax, using the form available on the Department of State website, immediately or as soon as reasonably possible. Notify the consulate even if the foreign national does not want notification. Contact information for consulates is available at the Department of State website.
2. 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 the Department of State at (202) 647-4415.
3. 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.
4. Make a note of the completed notification in the report narrative and attach the fax and fax confirmation sheet to the incident report in Records Management System (RMS).

- b. For foreign nationals whose country is not on the list of mandatory notification countries:

1. As soon after the arrest as reasonably possible, inform the foreign national that he or she may have a consular officer notified of the arrest or detention. You may use the sample statement, available in several languages, at www.travel.state.gov.
2. Make note of the foreign national's decision in the report narrative.
3. If the foreign national requests notification, follow the procedures for mandatory notification countries listed above.

1.1.5 DIPLOMATIC AND CONSULAR IMMUNITY

The following shall establish procedures pertaining to diplomatic and consular immunity.

A. Traffic Law Violations

1. Stopping a foreign diplomat or consular official and issuing a traffic citation shall not constitute an arrest or detention. However, the subject may not be compelled to sign the citation. The officer shall adhere to applicable directives and prepare an incident report to document all pertinent information.
2. Individuals cited for scheduled violation offenses shall be given the option of paying the applicable fine or obtaining a waiver in order to contest the charge.
3. A copy of the traffic citation and any other related documentation regarding the incident should be forwarded to the United States Department of State as soon as possible. For a nonscheduled violation, an incident report shall be used as the basis for requesting an express waiver of immunity.
4. In serious cases, to include operating while intoxicated offenses, vehicular homicide and personal injury or fatality collisions, the officer should make telephonic notification to the United States Department of State as soon as possible.
5. An individual who demonstrates a pattern of poor driving or commits an egregious offense shall be subject to a suspension or revocation of driving privileges by the United States Department of State's Diplomatic Motor Vehicle Office. The officer should report such violations for follow-up action.
6. If appropriate, standardized field sobriety tests should be offered and the results fully documented. However, the individual shall not be compelled to submit to such assessments. An officer should never permit an impaired individual to drive. The following options may be utilized or considered to facilitate safety: arranging for a third party to drive; requesting a taxi; providing transportation; and transporting the person to a location to await sufficient recovery.
7. The property of a person enjoying full criminal immunity, including a motor vehicle, may not be searched or seized. Such property may not be impounded, but may be towed the distance necessary to remove it from obstructing traffic or endangering public safety.
8. If a vehicle owned by a diplomat is suspected of being stolen or used in the commission of a crime, any occupant may be required to present documentation to permit verification of the vehicle's status through standard access to the National Law Enforcement Telecommunications System (NLETS). Should the vehicle prove to have been stolen or to have been used by an unauthorized person in the commission of a crime, the inviolability to which it would normally be entitled shall be considered temporarily suspended--a normal search or detention of the vehicle, if appropriate, shall be permissible.
9. A vehicle registered to a consular official shall not be considered inviolable and may be towed or impounded in accordance with departmental directives.
10. The United States Department of State should be notified if a consular vehicle has been detained or impounded so that its office of foreign missions may follow up with the proper consular official or mission.
11. Federal license plates issued by the United States Department of State shall not be considered the property of the diplomat or a diplomatic mission. Such property must be surrendered when officially recalled. Similarly, license plates may not be transferred from the vehicle to which they were assigned without the authorization of the office of foreign missions.
12. In cases where the officer at the scene has determined the vehicle is being operated without insurance and/or has verified with the United States Department of State that the vehicle bearing official plates is not the vehicle for which the plates were intended, the officer may be requested to impound and return the plates.

B. Criminal Incidents

1. An allegation of a serious crime should be fully investigated and promptly reported to the United States Department of State.
2. An officer shall treat an official representative of a foreign government with the maximum degree of respect possible under the circumstances. The handling of such incidents may have a direct effect on the treatment of United States diplomatic or consular personnel abroad.
3. An officer at the scene of a criminal incident involving a person claiming diplomatic or consular immunity shall attempt to verify the status of the suspect. Should the person be unable to produce satisfactory identification and the situation would normally warrant arrest or detention, the officer should inform the person that he or she will be detained until the person's identity and status can be confirmed.
4. In all cases, including those in which the suspect provides an approved identification card, the officer should verify the status with the United States Department of State or the United States Mission to the United Nations, as appropriate.
5. Once the status is verified, the officer shall prepare an incident report, fully describing the details of the situation.
6. If the suspect enjoys personal inviolability, he or she may not be handcuffed, except when that individual poses an immediate threat to safety, and may not be arrested or detained. Once all pertinent information is obtained, the person must be released.
7. A copy of the incident report should be faxed or mailed to the United States Department of State in Washington, D.C. or to the United States Mission to the United Nations in New York, as appropriate.
8. The United States Department of State should be advised promptly of any serious difficulties arising in connection with diplomatic or consular personnel.

C. Contact Information

1. U.S. Department of State, CA/P, SA-17, 12th Floor – Washington, D.C. 20522-1712 (mailing address);
2. 202-485-7703 (telephone number);
3. 202-485-6170 (fax number); and
4. consnot@state.gov (email address).

1.1.6 DIVERSION PROGRAMS

The following shall specify the agency's role in criminal justice and social service diversion programs:

- A. The Department's role in criminal justice and social service diversion programs shall be both advisory and participatory in nature. Such programs may involve the following: conduct violations; juvenile delinquency; parking violations; detoxification; mental health; drug abuse; and domestic abuse.
- B. Departmental involvement in diversion programs may be accomplished through one or more of the following: serving on committees and advisory councils; referring persons to available and appropriate resources; testifying in conduct proceedings; processing civil infractions; and adhering to established procedures.
- C. University students who commit minor conduct violations may be referred to university and/or residence judiciary system proceedings.
- D. Parking violations shall generally be processed through established departmental enforcement, appeals, and judicial system proceedings when deemed appropriate.
- E. Diversion of juveniles should be considered when legal proceedings would be inappropriate or when the use of other resources would be more effective. This alternative should involve consideration of the following factors: the nature

of the offense; the age and circumstances of the offender; the offender's record; the availability of community-based rehabilitation programs; and recommendations from complainants or victims.

- F. Apart from diverting juvenile offenders to other social service agencies or referring them to Juvenile Court Services, officers may utilize a wide range of alternatives, including: case adjustment; verbal reprimand; and referral to parents. These alternatives may work well for minor violations and first time offenders. In the case of a minor violation involving an offender who is quite young, circumstances may lead the officer to believe a reprimand and/or counseling will be sufficient to correct the juvenile's behavior.
- G. Social service diversion may occur when persons commit minor conduct or procedural violations. Violators may be referred to mental health and substance abuse professionals when deemed appropriate.