

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Consular Notification		
Policy Number: 222.06	Effective Date: 4/4/2018	Page Number: 1 of 5
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

I. Introduction and Summary:

It is the policy of the Georgia Department of Corrections (GDC) that the Consulate General of an offender’s native country be kept informed as to the offender’s custody status or occurrences of significant events during incarceration, pursuant to the Vienna Convention on Consular Relations. Offenders identified as foreign nationals shall be informed of their right to contact the Consulate General representing his/her native country.

II. Authority:

- A. Vienna Convention on Consular Relations;
- B. GDC-SOP: 208.03 Death of an Offender, 227.01 Offender Access to Telephones, 227.03 Access to Courts, 227.05 Visitation of Offenders, and 220.04 Offender Orientation; and
- C. ACA Standard: 4-4280.

III. Definitions:

- A. **Consular Officer or Consular Representation** - A citizen of a foreign county employed by that government and authorized to provide assistance on behalf of that government to its citizens in a foreign country.
- B. **Foreign National** - Any person who is a citizen of a country other than the United States of America. The terms “foreign national” and “alien” are used interchangeably. Foreign nationals include illegal aliens, persons with green cards, visitors from foreign countries, and lawful permanent residents born in a foreign county.
- C. **Consular Notification and Access Booklet** - This booklet can be downloaded from the U.S. State Department Website at the following address:
<https://travel.state.gov/content/travel/en/consularnotification.html>
- D. **Foreign Consular Offices in the United States** - This booklet can be downloaded from the U.S. State Department Website at the following address:

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<https://www.state.gov/s/cpr/fco/index.htm> (click on the latest version on the left side of the screen)

IV. Statement of Policy and Applicable Procedures:

This policy is applicable to GDC Central Office and all facilities or centers under the jurisdiction of the Board of Corrections that house incarcerated offenders.

A. Pursuant to the Vienna Convention on Consular Relations (VCCR), offenders identified as foreign nationals shall be informed of the provisions of the Convention.

1. During the Orientation segment of Diagnostic processing and upon arrival at any permanently assigned facility, offenders identified as foreign nationals shall be informed of their right to contact the Consulate General representing their native country. (See SOP 220.04 Offender Orientation)
2. Nationality may be determined by looking on the Transfer Assignment order or the Personal History Statement.

B. Consular Notification:

1. If the offender is a foreign national, the Warden or designee will determine whether consular notification is mandatory or optional. Mandatory Notification Countries and Jurisdictions, Attachment 1 of this SOP, provides a list of counties that require mandatory consular notification.
2. Mandatory Consular Notification: It is the responsibility of the Warden/Superintendent or Warden/Superintendent's designee to provide mandatory consular notifications. If the foreign national offender's country is on the list of mandatory notification countries provided in Attachment 1, the Warden or the Warden's designee will:
 - a. Notify the country's nearest consular office of the offender's incarceration without delay by completing the Consular Notification Facsimile Form, Attachment 3. Consular Office phone and fax numbers can be found in the

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Consular Notification and Access Booklet published by the U.S. State Department.

- 1) Consular notification for those countries on the mandatory notification list shall be made even over the objection of the offender.
 - 2) Copies of Consular Notification Facsimile Form, Attachment 3, shall be retained in the offender's institutional file. A case note shall also be entered into SCRIBE documenting this action.
- b. Inform the offender of the consular notification using the following statement: "Because of your nationality, we are required to notify your country's consular offices here in the United States that you have been arrested or detained. We will do this as soon as possible. In addition, you are entitled to 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."
3. Optional (Non-Mandatory) Consular Notification: It is the responsibility of the Warden/Superintendent or the Warden/Superintendent's designee to offer the provision of consular notification for all other foreign national offenders incarcerated by GDC. If the offender's country IS NOT on the mandatory notification list provided in Attachment 1, the Warden or the Warden's designee will:
 - a. Offer to notify the offender's consular officials of the offender's incarceration, without delay by use of Attachment 2, Offender's Decision Concerning Optional Consular Notification, when offering the offender this option in English. Suggested statements for non-English speaking offenders are provided in the Consular Notification and Access Booklet.
 - b. If the offender asks that consular notification be given, notify the Country's nearest consular office without delay, of the offender's incarceration by completing the Consular Notification Facsimile Form, Attachment 3.

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Consular Office phone and fax numbers can be found in the Consular Notification and Access Booklet.

- c. Copies the Consular Notification Facsimile Form, Attachment 3 or the offender's refusal to have their consulate office notified, Attachment 2, Offender's Decision Concerning Optional Consular Notification, shall be retained in the offender's institutional file. A case note shall also be entered into SCRIBE documenting this action.
- C. Foreign National Offender's Access to the Consulate General of his/her native Country:
1. The latest Consulate General Listing, Foreign Consular Offices in the United States ("Directory") shall be included as part of the Reference Library at each facility/center. (See SOP 227.03 Access to Courts).
 2. Foreign national offenders shall be informed during orientation at each facility as to the location of this directory and how to access it.
- D. A foreign national offender shall be allowed visitation and telephone calls with representatives of the Consulate General of his/her native country. (See SOPs 227.05 Visitation of Offenders, and 227.01 Offender Access to Telephones):
1. The visit shall be scheduled at least twenty-four (24) hours in advance unless the Warden approves a shorter timeframe.
 2. The visiting consular official must present his/her U.S. State Department issued photo identification card, which identifies him/her as a consular representative.
 3. Correctional staff shall maintain surveillance and general supervision during the visit. The correctional staff member shall be positioned so as to permit the Consulate General representative and offender to converse privately and maintain the privileged nature of their relationship.

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E. The GDC General Counsel shall notify the appropriate Consulate General in the event that a Foreign National offender dies while in the custody of GDC. (See SOP 208.03 Death of Offender):

1. The Warden/Superintendent or designee shall notify the GDC General Counsel of the circumstances surrounding the death on the next business day following the death. The GDC General Counsel will notify the appropriate Consulate General, in writing, within five (5) calendar days of the foreign national offender's death.
2. A copy of the notification from both the Warden/Superintendent or designee and the GDC General Counsel shall be placed in the offender's institutional file.

V. Attachments:

Attachment 1; Mandatory Notification Countries and Jurisdictions
Attachment 2: Offender's Decision Concerning Optional Consular Notification
Attachment 3: Consular Notification Facsimile Form

VI. Record Retention of Forms Relevant to this Policy:

Upon completion, Attachments 1, 2, and 3 shall be placed in the offender institutional file and retained according to the official retention schedule for that file.