Commission on Peace Officer Standards and Training
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Subject: **Law Enforcement Must Comply with Consular Notification and Access Laws**

This bulletin is intended to supplement POST Bulletin 2005-09, California Peace Officer Compliance with "Consular Notification" Laws, published May 25, 2005. Bulletin 2005-09 reminded California peace officers that federal and state laws impose mandatory notification duties.

The United States has signed treaties with many countries to ensure the right to provide consular services to United States citizens overseas. Therefore, the United States has a reciprocal responsibility to provide consular notification and access (CNA) to foreign nationals who are arrested, detained, or held in custody in California. CNA refers to treaty obligations that require law enforcement, corrections, and other government officials to inform foreign nationals "without delay" of their right to have their consular officials notified of their arrest or detention.

As required by Penal Code Section 834c., whenever a foreign national is detained, arrested, or held in custody for more than two hours, California law enforcement **must:**

- Inform the foreign national of the right to have the appropriate consular officials notified without delay and of the consular officials' right to have access to the foreign national.
- Notify the appropriate consular officer without delay if the foreign national requests notification.
- Notify the appropriate consular officer without delay when the foreign national is a citizen of Algeria, Tunisia, or one of the 56 countries listed in Penal Code Section 834c.(d). This notification is mandatory.
- Permit the foreign national to have communication, correspondence, and visitation with the consular officer of the foreign national's country.

To obtain the list of mandatory notification countries, training video and other materials, consular contact information, notification cards, FAQ, etc., from the U.S. State Department, Bureau of Consular Affairs, visit http://travel.state.gov/law/notify.html or telephone 202.647.4415. Law enforcement agencies may also call the State Department Operations Center at 202.647.1512.

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