

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Immunity from Arrest		CHAPTER/SECTION NO.: 1.14, 1.15, 1.16	
EFFECTIVE DATE: 10/7/03		REVIEW DATE:	
AMENDS/SUPERSEDES: See attached sheet		APPROVED: <u>**See Master File</u> Sheriff	
STANDARD NUMBER: n/a			

#### 1.14 Policy

- 1.14.1 Certain classes of persons generally receive immunity from arrest.

#### 1.15 Purpose

- 1.15.1 To guide Deputies with respect to persons who may be immune from arrest.

#### 1.16 Procedure

- 1.16.1 Foreign diplomats and families and employees of foreign diplomats, and other consular officials:
  - A. Diplomatic immunity is granted by the United States Government under provisions of the Vienna Convention on Diplomatic Relations. Generally, these provisions apply to two classes of immunity:
    - 1. Diplomats and members of their families enjoy full immunity,
    - 2. Employees of diplomatic missions with respect to acts performed in the course of their official duties.
  - B. The burden is on the diplomat to claim immunity and show valid credentials.
  - C. If someone claiming diplomatic immunity has been arrested, the Department of State should be notified.

1.16.2 Members of the state legislature under the Utah Constitution, Art. VI, §8:

- A. During a session of the state legislature and for fifteen days before the session in returning from the session, members of the state legislature shall be privileged from arrest except for treason, a felony, or a breach of the peace. Art. VI, §8.

1.16.3 Members of Congress:

- A. Members of Congress may not be detained for the issuance of a citation while they are in transit to or from the Congress of the United States.
- B. If a member of the Congress on official business is stopped for a traffic infraction, he/she shall, upon presentation of valid credentials, be immediately released. The Deputy may then obtain a citation for the member of the Congress covering the observed violation and make arrangements to serve the citation at a time when the member of Congress is not in transit to or from Congress, or on official business.

1.16.4 Voters under the Utah Constitution, Art. IV, §3:

- A. In all cases, except those of treason, felony, or breach of the peace, voters shall be privileged from arrest on the days of election, during their attendance at elections, and going to and returning therefrom.