

INS DETENTION STANDARD

FUNDS AND PERSONAL PROPERTY

I. POLICY

All facilities will provide for the control and safeguarding of detainees' personal property. This will include the secure storage of funds, valuables, baggage and other personnel property; a procedure for documentation and receipting of surrendered property; and the initial and regularly scheduled inventories of all funds, valuables and other property.

II. APPLICABILITY

The standards provided in this Detention Standard shall apply to the following facilities housing INS detainees:

1. Service Processing Centers (SPCs);
2. Contract Detention Facilities (CDFs); and
3. State or local government facilities used by INS through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours; referred to as "IGSA facilities."

Within the document additional implementing procedures are identified for SPCs and CDFs. Those procedures appear in italics. IGSA facilities may find such procedures useful as guidelines. IGSAs may adopt, adapt or establish alternatives to, the procedures specified for SPCs/CDFs, provided they meet or exceed the objective represented by each standard.

See the separate "Definitions" Standard for the meaning of certain terms used in this document.

III. STANDARDS AND PROCEDURES

A. General

Any unauthorized personal property is contraband, and will be surrendered to staff for securing and inventorying. (See the "Control and Disposition of Contraband" standard.)

Each facility, without a commissary, will have the following:

1. A cash box for currently held detainee funds, accessible to designated supervisor(s) only;
2. Valuable-property envelopes, accessible to designated supervisor(s) only;

3. A dedicated safe for the cash box and property envelopes;
4. A secured locker for holding large valuables, accessible to designated supervisor(s) only; and
5. A baggage storage area secured when not attended by assigned processing staff.

Both the safe and the large-valuables locker should be kept in the shift supervisor's office.

The baggage storage area will be maintained in a clean and orderly manner, and inspected as often as necessary to protect detainee property. To prevent overcrowding and related storage problems, staff will encourage detainees to send extra suitcases, television, and other soft contraband to a third party of his/her choosing.

The facility may make shipping arrangements for the excess personal property of detainees requiring such help; the facility will assume the cost if the detainee cannot afford postage. If the detainee refuses to cooperate by providing an appropriate mailing address, or is financially able but unwilling to pay the postage, the OIC may dispose of the property after providing the detainee with written notice (see the "Control and Disposition of Contraband" Detention Standard). If, however, the detainee's failure to specify a shipping address is because an appropriate mailing address does not exist, the facility will store the property for the detainee.

Staff shall inventory, and maintain a record of, detainee personal property being shipped from the facility, with a copy of the record placed in the detainee's detention file.

B. Limitations on Possession of Detainee Personal Property

1. The OIC will establish whether and, if so, how much cash detainees may keep in their possession while in the facility.
2. Detainees may keep a reasonable amount of personal property in their possession, provided the property poses no threat to facility security. Detainees shall have the opportunity to store excess property with a third party or, with the OIC's permission, in the facility's personal property storage area.
3. Identity documents, such as passports, birth certificates, etc., will be held in the detainee's A-file. Upon request, staff will provide the detainee with a copy of the document, certified by an INS official to be a true and correct copy.
4. Each housing area will designate an area for storing detainees' personal property.

In SPCs/CDFs without commissary, detainees may keep up to \$40.00 in their possession.

SPCs/CDFs that provide for the non-cash purchase of commissary items may prohibit cash altogether.

Each detainee will be permitted to keep in his/her possession reasonable quantities of the following, if the particular item does not pose a threat to the security or good order of the facility:

- 1. Small religious items;*
- 2. Religious and secular reading material (softbound), and correspondence;*
- 3. Legal documents and papers, including property receipts;*
- 4. Pictures (not more than 10) measuring 5" x 7" or smaller;*
- 5. Prescription glasses;*
- 6. Dentures;*
- 7. Personal address book or pages;*
- 8. Wedding ring;*
- 9. Other items approved by the Chief Detention Enforcement Officer/Chief of Security.*

Examples of items detainees shall not retain include the following:

- 1. Cash in excess of the established facility limit;*
- 2. All negotiable instruments;*
- 3. Jewelry other than small religious items and wedding rings;*
- 4. Other item of value, e.g., cameras, radios, stereos;*
- 5. Personal clothing and hygiene items when the facility provides them;*
- 6. Prohibited publications, including (but not limited to) publications depicting, describing or encouraging activities that could lead to physical violence or group disruption, such as material dealing with self-defense or survival, weaponry, armaments, explosives, or incendiary devices; containing sexually explicit material; or describing the production of drugs or alcohol.*
- 7. Drugs and medications not prescribed or authorized by facility medical staff.*

Every housing area will include a designated storage area. This area will contain a locker or other securable space for storing detainees' authorized personal property. The amount of storage space will correspond to the number of detainees assigned to that housing area. Space constraints may cause the OIC to limit the number of newspapers, magazines, etc., allowed per detainee.

C. Admission

All detention facilities shall have policies and procedures to account for and safeguard detainee property at time of admission. (For search protocols, see the "Detainee Search" Detention Standard.

Staff will search all arriving detainees and accompanying personal property for contraband.

Staff will search and inventory detainee property only in the presence of the affected detainee(s), unless instructed otherwise by the OIC.

Medical staff will determine the disposition of all medicine accompanying an arriving detainee.

Standard operating procedure will include obtaining a forwarding address from every detainee who has personal property that could be lost or forgotten in the facility after the detainee's release, transfer, or removal.

D. Officer Processing of Funds and Valuables

Each facility shall have a written standard procedure for inventory and receipt of detainee funds and valuables.

SPCs/CDFs lacking an automated detainee-funds system must process detainee funds and valuables as follows:

Funds. *Two officers must be present both to remove funds from a detainee's possession and to inventory the property on the property-receipt form, G-589. (For recordkeeping and accounting purposes, use of the G-589 is mandatory.) This inventory will be conducted in the detainees presence. The officers must complete a separate G-589 for each kind of negotiable instrument, and for each kind of foreign currency. Every G-589 the officers complete shall include:*

- a. The detainee's A-number or facility detainee number in the center area, just above the biographic information;*
- b. The three-letter facility designation;*
- b. The current date;*
- d. The complete name of the detainee, printed legibly;*
- e. In the "Quantity" column, the number of checks, money orders, or other negotiable instruments;*
- f. In the "Description" column:*
 - 1. The amount and type of currency; the kind of check, money order, or other negotiable instrument;*
 - 2. The name of the issuing bank, the register or check number, and the account name.*
 - 3. For U.S. currency, the dollar sign (\$) followed by the dollar amount, e.g. \$100.*

For foreign currency, the currency amount followed by the type, e.g., 140 Japanese Yen; 300 German Marks; 4,000 Mexican Pesos.

- g. *For a detainee with more than one kind of negotiable instrument, the officers will prepare as many G-589s as necessary to list separately, by category, all checks; all money orders; each additional category of negotiable instrument; each foreign currency.*

If cash is returned to the detainee for possession inside the facility, staff will record the transaction in the "Description" column of the affected G-589.

After all required information is recorded on the G-589, the carbon paper between the white original copy and the blue duplicate copy will be removed. The two officers and the detainee will sign the white copy and the pink copy, after which the copies will be distributed as follows:

1. *White original to the detainee (property receipt);*
2. *Blue copy to detainee's I-385 booking card or detention file (attachment);*
3. *Pink copy to funds envelope (insert).*

The processing officer will record each G-589/property receipt issued, and will enter initials and star numbers of receipting officers in the facility's property receipt logbook. The officer will then deposit an envelope containing the currency, checks, money orders, other negotiable items, and G-589 receipt(s) in the drop safe.

Small valuables, including jewelry. *The G-589 will describe each item of value. Jewelry will be described in general terms (e.g., ring-yellow/white metal with red/white stone), with no mention of brand name or monetary value. The detainee and two processing officers will sign the G-589, with copies distributed as above. The officers will then place the valuables (and pink copy of G-589) in a clear envelope, which they will secure by heat-sealing or other approved techniques for tamper-proofing.*

The processing officer will record the issuance of this G-589 in the property receipt logbook. The officer will then deposit the heat-sealed valuables envelope and G-589 receipts will be deposited in the drop safe provided. Zippered nylon bags are not authorized

Large valuables *(including items that do not fit into property envelopes, e.g., televisions, musical instruments). The G-589, which will include a description of each item, will be prepared and distributed as above. The large valuables will then be tagged with a copy of the G-589 and a baggage check (Form I-77). The officers will attach a copy of the G-589 and the center portion of the I-77 to the detainee's booking card or detention file. The processing officer will record the G-589 issuance in the facility's property receipt logbook, then secure the item(s) in the designated storage area.*

Supervisor Processing of Funds and Valuables

The Supervisory Detention Enforcement Officer (SDEO) or equivalent will remove the contents of the drop safe during his/her shift and initial the G-589 accountability log. The supervisor will:

- 1. Verify the correctness of all G-589s;*
- 2. Record the amount of cash and describe each item in the supervisors' property log.*
- 3. Verify the proper disposition of funds and valuables by checking the sealed envelopes in the cash box, the property envelopes in the safe, and the safekeeping of all large valuables in the secured locked area.*

E. Officer Processing of Baggage and Personal Property Other Than Funds and Valuables

Each facility shall have a written procedure for inventory and receipt of detainee baggage and personal property (other than funds and valuables).

In SPCs/CDFs, the following procedures apply:

An itemized inventory of all detainee baggage and personal property (separate from funds and valuables) will be completed during in-processing using the personal property inventory form. If a detainee has no baggage, a facility container will be provided to store his/her personal property.

Identity documents are handled under different procedures (see section III.B., above).

The personal property inventory form must contain the following information at a minimum:

- a. Date and time of admission;*
- b. Detainee's complete name and A-number or facility detainee number;*
- c. Description, quantity and disposition of articles (disposition may be indicated as either S or R. "S" stands for "Safekeeping" (by the facility) and "R" stands for "Retained" (by the detainee);*
- d. General condition of the property; and*
- e. Signatures of the officer completing the inventory and the detainee.*

After being properly inventoried and inspected for contraband, all baggage and facility containers will be tagged as follows:

1. *A pre-numbered, three-part Baggage Check/I-77 will be issued for each separate item of baggage or container;*
2. *Each I-77 will bear the detainee's full name and A-number/facility detainee number, and the date;*
3. *The detainee's signature must appear on both parts of the I-77;*
4. *The top portion of the I-77 will be attached to the detainee's property and the center portion to the detainee's booking card or detention file. A brief description of the property container is to be made on this portion of the I-77, e.g., black suitcase, paper bag, etc.; and*
5. *The detainee will be given the bottom portion of the I-77. The back portion of the I-77 shall also contain a brief description of the property container.*

All facility containers used for storing detainee personal property will be secured with a tamperproof numbered tie strap and will only be opened in the presence of the detainee.

A logbook will be maintained listing detainee name, A-number or facility detainee number, Baggage Check/I-77 number, security tie-strap number, property description, date issued and date returned.

Tagged baggage and other property tagged only with an I-77 will then be stored in the facility baggage storage area.

F. Inventory and Audit

Each facility shall have a written procedure for inventory and audit of detainee funds, valuables, and personal property.

Where physical custody of, or access to, detainee funds, property envelopes, and large valuables changes with facility shift changes, both on-coming and off-going supervisors will simultaneously conduct an audit of these items. The property and valuables logbook will record the date, time, and the name of the officer(s) conducting the inventory. Any discrepancies will be immediately reported to the CDEO or Chief of Security. The CDEO will follow facility procedure to ensure that all detainee funds and valuables are accounted for.

For each audit, SPCs will use Form G-786/Alien Funds Audit Sheet and CDFs will use an audit sheet reflecting, at a minimum, the following information:

1. ***Funds Held by Officers Other than the On-Duty Supervisor*** - *At no time will funds be held by officers other than the on-duty supervisor.*

2. **Cash on Hand** - The count is to be made by the incoming processing supervisor who will fill in the appropriate blanks with the amount of each denomination (U.S. currency).
3. **Checks, Money Orders or Other Negotiable Items** - The count is to be made by the incoming supervisor and the appropriate blanks filled in reflecting the amount of checks, money orders and other negotiable items.
4. **Total of Property Receipts/G-589s** - This is the total amount of funds, checks, money orders and other negotiable items as reflected by the copies of the Property Receipt/G-589s in the cash box.
5. **Disbursed During Shift** - The total amount of funds disbursed during the shift. The out-going processing supervisor will enter disbursement information.
6. **Received During Shift** - The total amount of funds collected during the shift. The out-going processing supervisor will complete this information.
7. **Cash on Hand at End of Shift** - The amount on hand as counted by the out-going processing supervisor. (If this doesn't match with the cash on a new audit will be conducted.) The CDEO or CDF equivalent will follow facility procedures to ensure that all detainee funds and valuables are accounted for.
8. **Number of sealed property bags.**

In SPCs and CDFs without commissaries, a comprehensive weekly audit is to be completed jointly by the Detention Operations Supervisor or CDF equivalent and a detention staff member. The audit will be logged in the property and valuables logbook. Discrepancies will be reported to the CDEO or CDF equivalent. The CDEO or equivalent will take the necessary steps, according to facility policy, to ensure that all detainee funds and valuables are accounted for.

An inventory of detainee baggage and other non-valuable property will be conducted by the OIC's designee at least once each quarter.

The facility's daily log will indicate the date, time and name of the officer(s) conducting the inventory. Any discrepancies will be reported immediately to the OIC.

G. Release or Transfer

Each facility shall have a written procedure for returning funds, valuables, and personal property to a detainee being transferred or released.

After checking the I-385 card, wristbands, and property receipts to positively identify the detainee being released or transferred, the detainee will present the white copy of the G-589(s) and I-77(s) for all receipted property.

For each I-77 presented, staff shall compare the signature on the detainee's portion with the portion on the stored item and the portion on the booking card. Depending on the size and kind of funds/valuables listed on the G-589, staff shall conduct checks as follows:

1. ***Small Valuables*** – Match the contents of the property envelope against the itemized list on all three copies of the G-589.
2. ***Large Valuables*** – Match the tagged against with the description on all three copies of the G-589.
2. ***Negotiable Instruments*** – Match the negotiable instruments against the description on all three copies of the G-589.
4. ***Cash Funds*** – Compare the property description(s) on the white, pink, and blue copies of the G-589.

After the property check, the property will be returned to the detainee. The detainee will then sign the blue copy of the G-589, indicating his/her receipt of all funds and personal property due him/her. The property log and inventory sheets will reflect the transaction.

H. Lost/Damaged Property – General

Each facility shall have a written policy and procedures for detainee property reported missing or damaged.

In SPCs/CDFs, supervisory personnel will be notified when properly receipted detainee property is reported missing or damaged. Supervisory staff will investigate and, if necessary, take prompt action to prevent further loss. If the property is not recovered or is recovered, but in damaged condition, staff will prepare a report for the OIC, providing:

1. *Name and A-number/facility detainee number of the detainee claiming ownership;*
2. *Description of the property and, if applicable, damage;*
3. *Date and time the loss or damage was discovered;*
4. *Name(s) of person(s) discovering the loss or damage;*
5. *The circumstances under which the person(s) discovered the loss or damage;*
6. *Names and statements of all witnesses;*
7. *Place, date, and time the property was last seen (before reported missing or damaged);*

8. *The circumstances under which the property was last seen (before reported missing or damaged); and*
9. *Sworn statements from the detainee and all witnesses.*

A detainee being transferred, released, or removed from the country with a property claim will be allowed to initiate the claim before leaving the facility. The OIC will forward the result of the claim to the claimant's forwarding address (provided upon admission or in conjunction with the claim).

Lost/Damaged Property in SPCs

In addition to all procedures specified above, SPC staff must complete Form I-387, "Report of Detainee Missing Property" for missing property (not damaged property). The original copy of this form will be placed in the detainees A-file, with a copy retained by the facility.

Form SF-95 must be completed for a lost or damaged property claim against the U.S. government. After the claimant signs and submits the SF-95, it will be processed in accordance with AM 2412.24. A copy of Form I-387 will be attached to a lost-property claim. The completed form(s) will be forwarded to the district office for determination.

The OIC will report allegations of impropriety against staff in the handling of detainee funds or valuables in accordance with O.I. 287.10.

Lost/Damaged Property in CDFs and IGSAs

All CDFs and IGSA facilities will have and follow a policy for loss of or damage to properly receipted detainee property, as follows:

1. All procedures for investigating and reporting property loss or damage will be implemented as specified in this standard;
2. Supervisory staff will conduct the investigation;
3. The senior facility contract officer will process all detainee claims for lost or damaged property promptly;
4. The official deciding the claim will be at least one level higher in the chain of command than the official investigating the claim;
5. The will promptly reimburse detainees for all validated property losses caused by facility negligence;
6. The will not arbitrarily impose a ceiling on the amount to be reimbursed for a validated claim; and

7. The senior contract officer will immediately notify the designated INS officer of all claims and outcomes.

I. Abandoned Property

All CDFs and IGSA facilities shall report and turn over to INS all detainee abandoned property.

INS will handle abandoned property in accordance with INS' "Personal Property Operations Handbook" (chapters 10 & 17), as follows:

1. *Notification will be sent by certified mail to the last known address of the detainee, advising him/her that the property has been declared abandoned, and that he/she has 30 days during which to contact INS to arrange to claim the property;*
2. *If the detainee does not respond or expresses no interest in claiming the property, the OIC shall have the property "vested" into the ownership of the government;*
3. *After the property has been vested in the government, INS shall:*
 - a. *Use the property;*
 - b. *Destroy the property; or*
 - c. *Sell the property at auction and deposit the proceeds into a general account.*
4. *Contraband will be handled in accordance with INS' "Control and Disposition of Contraband" standard.*
5. *Property that is of minimal value, broken, or clearly abandoned shall be discarded*

Because property obtained through non-appropriated funds cannot be donated, donations of abandoned property to charitable organizations are prohibited.

J. Notice to Detainees


The detainee handbook or equivalent shall notify the detainees of facility policies and procedures concerning personal property, including:

1. Which items they may retain in their possession;
2. That, upon request, they will be provided an INS-certified copy of any identity document (passport, birth certificate, etc.) placed in their A-files;
3. The rules for storing or mailing property not allowed in their possession;
4. The procedure for claiming property upon release, transfer, or removal;
5. The procedures for filing a claim for lost or damaged property.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-2E-11, 4A-04


Approval of Standard



Michael D. Cronin
Acting Executive Associate Commissioner
Office of Programs

SEP 20 2000

Date



Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SEP 20 2000

Date

**U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

Policy: All facilities will implement procedures to control and safeguard detainees' personal property. Procedures will provide for the secure storage of funds, valuables, baggage and other personal property; the documentation and receipting of surrendered property; and the initial and regularly scheduled inventorying of all funds, valuables, and other property.

FUNDS AND PERSONAL PROPERTY			
Components	Yes	No	Remarks
1. Has a safe been designated exclusively for storing detainee funds and valuable-property envelopes? If yes: a. Accessible to designated supervisor(s) only? b. With a cash box for currently held detainee funds?			
2. Has a locker been designated exclusively for securing detainees' large valuables? a. Accessible to designated supervisor(s) only?			
3. Does staff itemize the baggage and personal property of arriving detainees? a. If yes, as a routine part of in processing? b. Including funds and valuables)? c. Using a personal property inventory form that meets the INS standard?			
4. Does staff give the detainee the original inventory form, filing copies in the detainee's detention file and the personal property container?			
5. Does staff forward an arriving detainee's Medicine to the medical staff?			
6. Does staff search arriving detainees and their personal property for contraband?			
7. Does staff obtain a forwarding address from each detainee?			

FUNDS AND PERSONAL PROPERTY			
Components	Yes	No	Remarks
8. Does the facility have a written policy for returning forgotten property to detainees? a. If yes, does staff routinely follow procedures?			
9. Is it standard procedure for two officers to be present when removing/documenting the removal of funds from a detainee's possession?			
10. Does staff issue maintain and issue property receipts (G-589s) in numerical order?			
11. Does staff complete and distribute the G-589 in accordance with the INS standard?			
12. Does the processing officer record each G-589 issuance in a G-589 logbook? a. Does record include the initials and star numbers of receipting officers?			
13. Does staff tag large valuables with both a G-589 and an I-77?			
14. Once every shift, does the SDEO/CDF equivalent: a. Remove the drop-safe contents? b. Initial the G-589 log?			
15. Does the supervisor verify the accuracy of every G-589?			
16. Does the supervisor ensure that: a. Detainee funds are, without exception, deposited into the cash box? b. Every property envelope is sealed? c. All sealed property envelopes are placed in the safe? d. Large, valuable property is kept in the secured locked area?			
17. Does staff tag every baggage/facility container with an I-77, completed in accordance with the INS standard?			
18. Does staff secure every container used to store property with a tamper-proof numbered strap? a. Has staff ever opened a detainee's baggage/facility container in the detainee's absence?			

FUNDS AND PERSONAL PROPERTY			
Components	Yes	No	Remarks
19. Does a logbook record detainee name, A-number/detainee-number, baggage-check/I-77 number, security tie-strap number, property description, date issued and date returned?			
20. Does the incoming supervisor's schedule overlap with the supervisor whose shift is ending? a. If yes, do they conduct a joint audit of detainee funds, property envelopes, and large valuables? b. Completing a G-786 or other audit sheet that meets the INS standard?			
21. Does staff record the date, time, and officer(s) conducting the inventory in the property and valuables logbook? a. Is this standard procedure?			
22. Are discrepancies immediately reported to the CDEO or Chief of Security?			
23. Does the DOS (or equivalent) accompanied by a detention staff member conduct a comprehensive weekly audit? a. Is every such audit recorded in the property and valuables logbook?			
24. Has the OIC established quarterly audits of baggage and non-valuable property as facility policy? a. If yes, do the audits occur each quarter? b. Is the quarterly audit entered in the daily log?			
25. Does the facility positively identify every detainee being released or transferred? a. In accordance with the INS standard?			
26. Does staff follow written procedures when returning property to detainees?			
27. Does staff routinely inform supervisors of lost/damaged property claims? a. Is every claim investigated? b. With follow-up action, including a missing/damaged property report?			
28. Is every lost/damaged property report completed in accordance with the INS			

FUNDS AND PERSONAL PROPERTY			
Components	Yes	No	Remarks
standard? a. Is missing property reported on an I-387 (or equivalent)? b. Does the OIC receive a copy? c. Does staff place the original in the detainee's A-file, retaining a copy in facility files?			
29. Does the SPC use the SF-95 for all detainee missing/damaged property claims against the government? a. Does the claimant sign every SF-95? b. Forwarded to the District Director? c. In accordance with written procedures?			
30. Are CDF/IGSA facility procedures for handling detainee property claims consistent with the INS standard?			
31. Does the OIC attempt to notify an out-processed detainee that he/she left property in the facility, if that detainee provided no forwarding address? a. If yes, by sending written notice to the detainee's last known address? b. Via certified mail? c. Does the notice state that the detainee has 30 days in which to claim the property, after which it will be considered abandoned?			
32. Does the facility dispose of abandoned property in accordance with written procedures? a. If an SPC, in accordance with the INS standard (based on INS' "Personal Property Operations Handbook")? b. If a CDF/IGSA facility, does written procedure require the prompt forwarding of abandoned property to INS?			

U.S. Immigration and Naturalization Service

**NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

FUNDS AND PERSONAL PROPERTY

Verification Sources

The following may serve as sources of information for auditors verifying the facility's compliance with this detention standard:

SOURCE	TIME	DATE	LOCATION
A. Detainee handbook			
B. Inspecting detainee property			
C. Inspecting detainee property room			
D. Observing detainee intake procedure			
E. Observing staff handling and documenting receipt of detainee funds/property			
F. Funds and valuables logbook			
G. Daily logbook			
H. Observing shift changes			
I. A-files/Detention files			
J. Facility's written policy and procedures			
K. Detainee and staff interviews			

Facilities must complete the attached Plan of Action for bringing operations into compliance. For each element found out of compliance, the plan of action will specify remedial action and the estimated timetable for compliance.

Remarks: *(Record significant facts, observations, other sources used, etc.)*

Auditor's Signature

Date