

ICE/DRO RESIDENTIAL STANDARD

FUNDS AND PERSONAL PROPERTY

I. PURPOSE AND SCOPE. Residents' personal property, including funds, valuables, and baggage, is safeguarded and controlled, and contraband does not enter a residential facility.

II. EXPECTED OUTCOMES. The expected outcomes of this Standard are:

1. That the security, safety, and good order of each facility will be maintained through an immediate and thorough search of each newly-admitted resident and his or her property.
2. That every resident's funds, valuables, baggage, and personal property will be inventoried, receipted, stored, and safeguarded.
3. That every resident will be informed about what happens to funds and property that cannot be retained in his or her possession, and the procedures necessary to report missing or damaged property.
4. Where required, residents have regular access to translation services and/or are provided information in a language that they understand.
5. The standard complies with federal laws and with DHS regulations regarding residents with special needs.

III. DIRECTIVES AFFECTED. None

IV. REFERENCES

The First Edition National Residential Standards were written using a variety of methodologies including previous and current practices, review and comment from various subject matter experts, review and comment from various government and non-government organizations, and a review of current state codes in Pennsylvania and Texas. Each standard is written in a manner that affords each resident admission and continuous housing to a family residential facility in a dignified and respectful manner. There are no specific codes, certifications, or accreditations that deal specifically with unique management requirements of families awaiting the outcome of their immigration proceeding in a non-secure custodial environment.

American Correctional Association 4th Edition, Standards for Adult Detention Facilities: 4-ALDF-2A-20, 2A-23, 2A-24, 6A-07(M).

V. EXPECTED PRACTICES

1. General:

- a. All residential facilities are required to have written policies and procedures to:
 - 1) Account for and safeguard the property of each resident at the time of admission.
 - 2) Inventory and receipt the monetary funds and other valuables of each resident.

- 3) Inventory and receipt the baggage and personal property items, other than funds and valuables, which belong to each resident.
 - 4) Conduct audits of the funds, valuables, and other personal property withheld from each resident.
 - 5) Return all funds, valuables, and other personal property belonging to each resident upon their release or transfer.
 - 6) Assist a resident to report missing or damaged property, and investigate the claimed loss.
- b. In many facilities, confiscated funds are deposited in the facility commissary (or canteen) in an account owned by the resident. Any facility without a commissary shall provide:
- 1) A secure cash box for any funds that have been retained from a resident
 - 2) Valuable-property envelopes, which are to list a description of the property and to be sealed immediately after the property is placed inside,
 - 3) A dedicated safe for the cash box and property envelopes, accessible to designated supervisors only.
 - 4) A receipt book to record the amount and type of funds confiscated and/or the type of property being stored.
 - 5) A property storage log to record the date, the time and the name of each person who opens the dedicated safe to place funds in the cash box or withdraw funds from the cash box or to place into or withdraw from the dedicated safe a valuable-property envelope.
- c. All facilities, at a minimum shall provide:
- 1) A secured locker for holding large valuables, accessible to designated supervisor(s) only
 - 2) A baggage and property storage area that is secured when not attended by assigned admissions processing staff
 - 3) A receipt book to record the retention of the resident's funds, valuables or other property.

Both the dedicated safe and the large-valuables locker should be kept in the shift supervisor's office, or otherwise secured in an area accessible only by the shift supervisors.

The baggage and property storage area shall be maintained in a clean and orderly manner and inspected as often as necessary to protect resident property.

Regular, frequent and unannounced audits of the property storage log book and the receipt books should be conducted to ensure that the retained funds, valuables, and other property are being properly recorded and accounted for, to avoid misplacement or theft of stored property.

2. Contraband

In accordance with the Residential Standard on “**Contraband**,” contraband must be surrendered to staff for securing and inventorying. Any personal item can be considered to be contraband when possessed by a resident or visitor within the facility without authorization from the staff. Residents must obtain prior written permission to possess any item, even if the type of item is generally allowable in the facility.

3. Notice to Residents

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

- a. The certain items that they may retain in their possession.
- b. The procedure for requesting a certified copy of any identity document (passport, birth certificate, etc.) placed in their A-files.
- c. The rules for storing or mailing property not allowed to be in their possession at the facility.
- d. The procedure for claiming their property upon release, transfer, or removal.
- e. The procedures for filing a claim for lost or damaged property. Please note that a claim for lost property needs to include documentation (such as the property receipt) that the property was stored or deposited with the facility and that the process for adjudicating a claim requires that the facility retain the receipt books and property storage logs.
- f. The procedure for recovering information contained on electronic media such as personal cell phones or computers belonging to the resident.

4. Admission

Any unauthorized personal property is contraband, and will be surrendered to staff for securing and inventorying.

Upon admission to a facility the staff shall search and inventory each resident’s property in the presence of the resident, unless instructed otherwise by the Facility Administrator. If the resident being admitted arrives with medication, the medical staff shall determine the nature of, the storage of, and the disposition of all medicine. The admitting staff shall require each resident from whom funds, valuables or other property is being withheld to submit a permanent home address for possible to be used if stored property is discovered at the facility after the resident’s release or transfer from the facility.

5. Limitations on Possession of Funds and Personal Property

- a. No cash shall remain in the possession of any resident.
- b. Each facility will be required to maintain a commissary system to account for any cash on hand for each family unit at the facility.
- c. Residents may keep a reasonable amount of personal property in their possession, provided it poses no threat to facility security. Residents shall have the opportunity to mail excess property to a third party, or to store the

excess property in the facility's personal property storage area, with the facility administrator's permission. Any property stored by the facility should be recorded and described in the personal property storage logbook and a duplicate receipt for stored property should be prepared so that the facility and the resident each have documentation describing the stored property.

- d. Identity documents, such as passports and birth certificates, are to be held in each resident's A-file for safekeeping by ICE until the resident is removed or until the removal proceedings are resolved; however, upon written request, staff shall provide the resident a copy of the requested document, certified to be a true and correct copy.
- e. For each housing area, the facility administrator shall designate a secured storage area or room for storing residents' personal property.
- f. Each resident shall be permitted to keep reasonable quantities of the following personal items in his or her possession, as long as a 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 and correspondence
 - 3) Legal documents and papers, including property receipts
 - 4) Photographs measuring 5" x 7" or smaller
 - 5) Prescription glasses
 - 6) Dentures
 - 7) Personal address books or pages
 - 8) Wedding rings
 - 9) Any other items approved by the JFRMU staff

Examples of items residents may not retain in their possession include:

- 10) Cash
- 11) Any negotiable instrument
- 12) Jewelry other than small religious items and wedding rings
- 13) Other items of value, for example, cameras, radios, stereos
- 14) 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
- 15) Drugs and medications not prescribed or authorized by facility medical staff. (Residents are only authorized to keep medications authorized by medical staff that are designated as "Keep on Person" by the designated medical provider)

Every housing area shall have lockers or other securable space for storing residents' authorized personal property. The amount of storage space shall correspond to the number of residents assigned to that housing area.

Space constraints may cause the facility administrator to limit the number of books, newspapers, magazines, etc., allowed per resident.

6. Excess Property

To prevent overcrowding and related storage problems, staff shall encourage residents to send extra suitcases, televisions, electronic devices, and other "soft" (not illegal or dangerous) contraband to a third party of his or her choosing.

- a. The facility may make shipping arrangements for a resident requiring such help, and shall assume the cost if the resident cannot afford postage.
- b. If a resident does not provide an appropriate mailing address within 30 days, the facility may make reasonable accommodations to store the property; however, ordinarily, the amount stored may not exceed 40 lbs.
- c. If a resident does not provide an appropriate mailing address, or is financially able but unwilling to pay the postage, the facility administrator may dispose of the property in accordance with the Residential Standard on "Contraband," after providing the resident with written notice.
- d. When personal property is shipped, staff shall prepare an inventory record of the property that was shipped, the shipment addressee, and maintain a copy of the property inventory and shipping information in the resident's file.

7. Staff Processing of Funds and Valuables

Each facility shall have a written standard procedure for inventory and receipt of resident funds, valuables, and other personal property. Residents shall receive a copy of a receipt containing the inventory of their retained property. The funds shall be recorded in a cash log and deposited in the facility commissary or cashbox and dedicated safe, and the property shall be stored in a secured storage area or dedicated safe, accessible by shift supervisors only.

- Foreign currency shall be recorded by type and amount, and a receipt provided to the resident.
- Foreign currency shall not be converted by the facility.

8. Supervisor Processing of Funds and Valuables

The supervisory staff member shall:

- a. Verify the accuracy of all funds received.
- b. Record the amount of cash, and describe each valuable item in the supervisors' property log.
- c. Verify the proper safekeeping or deposits of funds and storage of valuables, and ensure against unauthorized access to the secured locked area.

9. Staff Processing of Baggage and Personal Property Other Than Funds and Valuables

An itemized inventory of all resident baggage and personal property (separate from funds and valuables) shall be completed during admissions processing, using the personal property inventory form. If a resident has no baggage, a facility container shall be provided to store his or her personal property.

These procedures do not apply to identity documents, such as passports and birth certificates, which are held in each resident's A-file.

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

- a. Date and time of admission
- b. Resident's complete name and A-number or facility resident number
- c. Description, quantity and disposition of articles. Disposition may be indicated as either:
 - 1) "S" for "Safekeeping" (by the facility), or
 - 2) "R" for "Retained" (by the resident).
- d. General condition of the property
- e. The signature, and the printed name of the staff member completing the inventory and the signature and printed name of the resident

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

- a. A pre-numbered, three-part I-77 or similar inventory form shall be issued for each separate container or item of baggage.
- b. Each I-77 shall bear the resident's full name, A-number or facility resident number, and the date.
- c. The resident's signature must appear on the I-77.
- d. The top portion of the I-77 shall be attached to the resident's property, and the center portion to the resident's booking card or residential file. A brief description of the property container shall be made on this portion of the I-77, for example, "black suitcase" or "paper bag."
- e. The resident shall 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 resident luggage and facility containers used for storing resident personal property shall be secured in a tamper-resistant manner (such as by a tamper-proof, numbered tie strap) and shall only be opened in the presence of the resident.

A logbook shall be maintained, listing resident name, A-number or facility resident number, I-77 number, security tie-strap number, property description, date issued, and date returned.

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

10. Inventory and Audit

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

Where physical custody of or access to resident funds, property envelopes, and large valuables changes with facility shift changes, the on-coming and off-going supervisors shall simultaneously conduct an inventory of these items. The property and valuables logbook shall record the date, time, and the name(s) of the staff conducting the inventory. Any discrepancies shall be immediately reported to the Assistant Facility Administrator for Operations and ICE resident.

11. Release or Transfer

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

12. Lost or Damaged Property

a. General

Each facility shall have a written policy and procedure for resident property reported missing or damaged. A lost property report is required.

ICE shall be notified when property reported resident property is reported missing or damaged. Supervisory staff shall investigate and, if necessary, take prompt action to prevent further loss. If the property is not recovered or is recovered in a damaged condition, staff shall prepare a report for the facility administrator and ICE/DRO, providing:

- 1) Name and A-number or facility resident number of the resident claiming ownership
- 2) Description of the property and, if applicable, the noted 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 and the cause of the loss or damage to the property if determined.
- 6) Names and statements of the resident and 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)

A resident being transferred, released, or removed who has a claim for lost or damaged property shall be allowed to initiate the claim before leaving the facility. A Standard Form 95 (SF95) shall be provided to the resident for making his or her claim. The facility administrator shall send the result of the investigation of the resident's claim and his or her SF95 to the Office of the Principal Legal Advisor, CALD, at 425 I Street, N.W. Room 6100, Washington, DC 20536 for further adjudication and disposition of the claim.

b. Documentation of Lost or Damaged Property

In addition to the procedures specified above, ICE/DRO staff must complete Form I-387, *Report of Resident Missing Property*, for lost property (but not for damaged property). The original copy of this form shall be placed in the residents A-file, with a copy retained by the facility. The facility administrator shall send the result of the investigation of the resident's claim, a copy of the Form I-137, and the resident's SF95 to the Office of the Principal Legal Advisor, CALD, at 425 I Street, N.W. Room 6100, Washington, DC 20536 for further adjudication and disposition of the claim.

A copy of the completed forms shall be forwarded to JFRMU for a determination of whether any additional reporting is required.

Additionally, each facility shall incorporate the following requirements in its policies and procedures:

- All procedures for investigating and reporting property loss or damage shall be implemented as specified in this standard.
- Supervisory staff shall conduct the investigation.
- The senior facility contract staff shall forward all resident claims for lost or damaged property to OPLA/CALD promptly.
- The senior contract staff shall immediately notify the designated ICE/DRO staff of all claims.

13. Abandoned Property

All facilities shall report and turn over to ICE/DRO all residents' abandoned property for management and disposition in accordance with existing ICE/DRO policy.

- a. Notification shall be sent by certified mail to the last known address of the resident, advising him or her that the property has been declared abandoned, and that he or she has 30 days to contact ICE/DRO to arrange to claim the property;
- b. If the resident does not respond or expresses that he or she does not want to claim the property, the facility administrator shall have the property "vested" into the ownership of the Government;
- c. After the property has been vested in the Government, ICE/DRO shall:
 - Use the property;
 - Destroy the property; or
 - Sell the property at auction and deposit the proceeds into a general account.

Contraband shall be handled in accordance with ICE/DRO' "Control and Disposition of Contraband" standard.

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.

Standard Approved:



John P. Torres
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Date