

2.5 Funds and Personal Property

I. Purpose and Scope

This detention standard ensures that detainees' personal property, including funds, valuables, baggage and other personal property, is safeguarded and controlled, and that contraband does not enter a detention facility.

This detention standard applies to the following types of facilities housing ERO detainees:

- Service Processing Centers (SPCs);
- Contract Detention Facilities (CDFs); and
- State or local government facilities used by ERO through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours.

Procedures in italics are specifically required for SPCs, CDFs, and Dedicated IGSA facilities. Non-dedicated IGSA facilities must conform to these procedures or adopt, adapt or establish alternatives, provided they meet or exceed the intent represented by these procedures.

Various terms used in this standard may also be defined in standard “7.5 Definitions.”

II. Expected Outcomes

The expected outcomes of this detention standard are as follows (specific requirements are defined in “V. Expected Practices”):

1. The security, safety and good order of each facility shall be maintained through an immediate search of each newly admitted detainee's property.
2. Each detainee's funds, valuables, baggage and personal property shall be inventoried, receipted,

stored and safeguarded for the duration of their detention.

3. Each detainee shall be informed of what funds and property may be retained in his/her possession, and of procedures to report missing or damaged property.
4. The applicable content and procedures in this standard shall be communicated to the detainee in a language or manner the detainee can understand.

All written materials provided detainees shall generally be translated into Spanish. Where practicable, provisions for written translation shall be made for other significant segments of the population with limited English proficiency.

Oral interpretation or assistance shall be provided to any detainee who speaks another language in which written material has not been translated or who is illiterate.

III. Standards Affected

This detention standard replaces “Funds and Personal Property” dated 12/2/2008.

IV. References

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

ICE/ERO *Performance-based National Detention Standards 2011*: “2.3 Contraband.”

V. Expected Practices

A. General

All detention facilities are required to have written policies and procedures to:

1. account for and safeguard detainee property from

time of admission until date of release;

2. inventory and receipt detainee funds and valuables;
3. inventory and receipt detainee baggage and personal property (other than funds and valuables);
4. inventory and audit detainee funds, valuables and personal property;
5. return funds, valuables and personal property to detainees being transferred or released and
6. provide a way for a detainee to report missing or damaged property.

In many facilities, detainee funds are deposited in the detainee's commissary or canteen account. Any facility without a commissary shall provide:

1. a cash box for currently held detainee funds, which can be accessed only by designated supervisor(s) and/or property officer(s);
2. valuable-property envelopes, which can be accessed only by designated supervisor(s) and/or property officer(s) or
3. a dedicated safe for the cash box and property envelopes.

All facilities, at a minimum, shall provide:

1. a secured locker for holding large valuables, which can be accessed only by designated supervisor(s) and/or property officer(s) and
2. a baggage and property storage area that is secured when not attended by assigned admissions processing staff.

Both the safe and the large-valuables locker shall either be kept in the shift supervisor's office or otherwise secured in an area accessible only to the shift supervisor.

The baggage and property storage area shall be

maintained in a clean and orderly manner and inspected as often as necessary to protect detainee property.

B. Contraband

In accordance with standard "2.3 Contraband," if any unauthorized personal property is contraband, it must be surrendered to staff for securing, receipting and inventorying.

C. Notice to Detainees

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

1. which items, including cash they may retain in their possession;
2. that, upon request, they shall be provided an ICE/ERO-certified copy of any identity document (e.g., passport, birth certificate), which shall then be 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 procedure for filing a claim for lost or damaged property and
6. access to detainee personal funds to pay for legal services.

D. Admission

Staff shall search all arriving detainees' personal property.

Staff shall search and inventory detainee property only in the presence of the detainee(s), unless instructed otherwise by the facility administrator.

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

Standard operating procedure shall include obtaining a forwarding address from every detainee for use in the event that personal property is lost or forgotten in the facility after the detainee's release, transfer, or removal.

E. Limitations on Possession of Funds and Personal Property

1. The facility administrator shall establish whether a detainee may keep cash in his/her personal possession while in detention and, if so, how much cash each detainee may keep.
2. Detainees may keep a reasonable amount of personal property in their possession, provided it poses no threat to detainee safety or facility security. Detainees shall be granted an opportunity to store excess property with a third party or, with the facility administrator's permission, in the facility's personal property storage area.
3. Identity documents (e.g., passports and birth certificates) are held in each detainee's A-file. Upon request, staff shall provide the detainee a copy of a document, certified by an ICE/ERO official to be a true and correct copy.
4. For each housing area, the facility administrator shall designate a storage area for storing detainee personal property.

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

1. small religious items including religious jewelry items;
2. religious and secular reading material (softbound) and correspondence;
3. legal documents and papers, including property receipts;

4. up to ten photographs measuring no more than 5" x 7.";
5. prescription glasses;
6. dentures;
7. personal address book or pages;
8. wedding ring; and/or
9. other item(s) approved by the facility administrator or chief security officer.

Examples of items detainees may not retain include the following:

1. *cash in excess of the established facility limit;*
2. *any negotiable instrument;*
3. *jewelry, other than small religious items and wedding rings;*
4. *other items of value, for example, cameras, radios, stereos;*
5. *personal clothing and hygiene items when the facility provides them;*
6. *drugs and medications not prescribed or authorized by facility medical staff and*
7. *prohibited publications, including but not limited to: publications depicting activities that present a substantial risk of physical violence or group disruption (e.g., material dealing with self-defense, weaponry, armaments, explosives, or incendiary devices); publications containing sexually explicit material; or publications describing the production of drugs, alcohol, or weapons.*

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

Space constraints may cause the facility

administrator to limit the number of newspapers, magazines, etc., allowed to each detainee.

F. Excess Property

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

1. The facility may make shipping arrangements for a detainee requiring such help.
2. If a detainee does not provide an appropriate mailing address within 30 days of entry, the facility may make reasonable accommodations to store the property until the detainee’s removal or release. Ordinarily the amount stored may not exceed 40 pounds.
3. If a detainee does not provide an appropriate mailing address or is unable to pay the postage, the facility administrator may dispose of the property in accordance with standard “2.3 Contraband,” after providing the detainee with written notice.
4. When personal property is shipped, staff shall prepare an inventory record and shall maintain a copy in the detainee’s detention file.

G. Officer Processing of Funds and Valuables

Facilities lacking automated detainee funds systems must process detainee funds and valuables as follows.

1. Funds

For recordkeeping and accounting purposes, use of the G-589 Property Receipt form or its equivalent is mandatory to inventory any funds removed from a detainee’s possession, and a separate G-589 form or its equivalent is required for each kind of currency

and negotiable instrument.

Removal and inventory of detainee funds shall be conducted by at least two officers and in the presence of the detainee. Separate documentation should be made for each kind of currency and negotiable instrument, and should include detainee identification information and a description of the amount and type of currency or other negotiable instrument inventoried. Officers should then deposit the funds with a copy of the documentation in the drop safe or similarly secured depository.

The G-589 shall include:

- a. *the detainee’s A-number or facility detainee number in the center area, just above the biographic information;*
- b. *the ICE facility designation code (“DETLOC”);*
- c. *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 and*
- 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); and*
 - 4) *for foreign currency, the currency amount followed by the type (e.g., 140 Japanese Yen, 300 Euros, 4,000 Mexican Pesos).*

For a detainee with more than one kind of negotiable instrument, the officers shall prepare as many G-589 or equivalent forms as necessary to list

separately all checks, all money orders, each additional category of negotiable instrument; and each type and amount of foreign currency.

If cash is returned to the detainee for possession inside the facility, staff shall record the transaction in the “Description” column of the affected G-589 form or equivalent.

The two officers and the detainee shall sign all copies, after which the copies shall be distributed as follows:

- a. white original/first copy to the detainee (property receipt);*
- b. blue/second copy to detainee’s I-385 booking card or detention file (attachment), and*
- c. pink/third copy to funds envelope (insert).*

The admissions processing officer shall record each Form G-589, or equivalent, issued and enter the initials and any corresponding identifiers of receipting officers in the facility’s G-589 Property Receipt Logbook, or equivalent. The officer shall then deposit an envelope containing the currency, checks, money orders, other negotiable items and G-589 receipt(s) in the drop safe.

2. Small Valuables, Including Jewelry

The Form G-589 or equivalent should be used to describe generally each item of value. The officers should then record the issuance of this Form G-589 in the facility’s Property Receipt Logbook or equivalent, place the valuables in a secured envelope, and deposit the envelope in the drop safe or similarly secured depository.

The Form G-589, or equivalent, shall describe each item of value. Jewelry shall 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 shall sign the G-589 or equivalent with

copies distributed as noted above in this standard. The officers shall then place the valuables (and pink/third copy of G-589) in a clear envelope, which they shall secure via approved techniques for tamper-proofing.

The processing officer shall record the issuance of this G-589 in the G-589 Property Receipt Logbook or equivalent. The officer shall then deposit the secured valuables envelope and G-589 receipts in the drop safe provided. Zippered nylon bags are not authorized.

3. Large Valuables

Large valuables are items that do not fit into property envelopes, for example, televisions or musical instruments. The Form G-589 or equivalent should be used to describe generally each item of value. The officers should then record the issuance of this Form G-589 in the facility’s Property Receipt Logbook or equivalent, tag the large valuable with a copy of the Form G-589 and a Baggage Check (Form I-77), and secure the item(s) in the designated storage area. *The Form G-589, or equivalent, including a description of each item, shall be prepared and distributed as above. The large valuables shall then be tagged with a copy of the Form G-589 and a Baggage Check (Form I-77). The officers shall attach a copy of the Form G-589 and the center portion of the Form I-77 to the detainee’s booking card or detention file. The processing officer shall record the G-589 issuance in the facility’s G-589 Property Receipt Logbook or equivalent and secure the item(s) in the designated storage area.*

H. Supervisor Processing of Funds and Valuables

During each shift, the supervisory security officer shall verify the accuracy of all G-589 Forms or equivalent, record all funds and items in the drop

safe or similarly secured depository in the supervisors' property log, and verify the disposition of all large valuables in the designated secured locked area.

The supervisory security officer or equivalent shall remove the contents of the drop safe during his/her shift and initial the G-589 accountability log. The supervisor shall:

- 1. verify the correctness of all G-589 Forms or equivalents;*
- 2. record the amount of cash and describe each item in the supervisors' property log and*
- 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 designated secured locked area.*

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

An itemized inventory of all detainee baggage and personal property (separate from funds and valuables) shall be completed during admissions processing using the personal property inventory form. Each facility shall inventory all property, even in the event that the property was previously inventoried by another facility and is contained in a sealed bag. If a detainee has no baggage, a facility container shall be provided to store his/her personal property.

A Form I-77 or equivalent shall also be issued for each separate item of baggage or container.

All detainee luggage and facility containers used for storing detainee personal property shall be secured in a tamper-resistant manner and shall only be opened in the presence of the detainee.

These procedures do not apply to identity

documents (e.g., passports, birth certificates, etc.), which are held in each detainee's A-file.

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

- 1. date and time of admission;*
- 2. detainee's complete name and A-number or facility detainee number;*
- 3. description, quantity and disposition of articles; disposition may be indicated as either:*
 - a. "S" for "safekeeping" (by the facility); or*
 - b. R" for "retained" (by the detainee);*
- 4. general condition of the property and*
- 5. signatures of the officer completing the inventory and the detainee.*

After being properly inventoried and inspected for contraband, all baggage and facility containers shall be tagged and stored securely.

A pre-numbered, three-part Form I-77 or its equivalent shall be issued for each separate item of baggage or container. The front side of the Form I-77 has three parts: top (Part I); center (Part II); and bottom (Part III), the reverse side of which provides additional space to describe and identify the baggage or container.

- 1. Each Form I-77 or its equivalent shall bear the detainee's full name and A-number/facility detainee number and the date.*
- 2. The detainee's signature must appear on both the top (Part I) and bottom (Part III) of the Form I-77 or its equivalent.*
- 3. The top part of the Form I-77 or its equivalent shall be attached to the detainee's property.*
- 4. The center part shall provide a brief description of the property container (for example, black suitcase, paper bag, etc.) and shall be attached*

to the detainee's booking card or detention file.

5. The bottom part shall be given to the detainee and the reverse side shall also contain a brief description of the property container.

All detainee luggage and facility containers used for storing detainee personal property shall be secured in a tamper-resistant manner (e.g., by a tamper-proof numbered tie strap) and shall only be opened in the presence of the detainee.

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

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

J. Inventory and Audit

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

For each audit, facilities shall use Form G-786 Alien Funds Audit Sheet, or equivalent, reflecting, at a minimum, the following information:

1. Funds Held by Officers Other than the On-Duty Supervisor

At no time shall 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 shall 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 in-processing supervisor, and the appropriate blanks are to be filled in reflecting the amount of checks, money orders and other negotiable items;

4. Total of G-589 Property Receipts

This figure represents the total amount of funds, checks, money orders and other negotiable items as reflected by the copies of the Form G-589s or equivalents in the cash box;

5. Disbursed During Shift

This figure represents the total amount of funds disbursed during the shift. The out-going processing supervisor shall enter disbursement information;

6. Received During Shift

This figure represents the total amount of funds collected during the shift. The out-going processing supervisor shall complete this information;

7. Cash on Hand at End of Shift

This figure represents the amount on hand as counted by the out-going processing supervisor. (If the logged figure does not match with the cash currently on hand, a new audit shall be conducted.) The Chief of Security or equivalent shall follow facility procedures to ensure that all detainee funds and valuables are accounted for; and

8. Number of Sealed Property Bags

In facilities without commissaries, a comprehensive weekly audit shall be completed jointly by the detention operations supervisor or equivalent, and a detention staff member. The

audit shall be logged in the property and valuables logbook. Discrepancies shall be reported to the Chief of Security (or equivalent). The Chief of Security or equivalent shall 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 shall be conducted by the facility administrator's designee at least once each quarter.

The facility's inventory audit shall indicate the inventory's date and time, and the name of the officer(s) conducting the inventory. Any discrepancies shall be reported immediately to the facility administrator.

K. Release or Transfer

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

Staff shall compare signatures on Form I-77 receipt portions, and match cash funds, negotiable instruments, and valuables against property descriptions on G-589 forms.

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 and 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 Form or equivalent.

2. Large Valuables

Match the tagged items against the description on all three copies of the G-589 Form or equivalent.

3. Negotiable Instruments

Match the negotiable instruments against the description on all three copies of the G-589 Form or equivalent.

4. Cash Funds

Compare the property description(s) on the white, pink and blue copies of the G-589 Form or equivalent.

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

L. Lost or Damaged Property

1. General

Supervisory personnel shall be notified when properly receipted detainee 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, but in damaged condition, staff shall prepare a report for the facility administrator, providing: a description of any damage; the circumstances under which the property was last seen; the circumstances under which the loss or damage was discovered; and sworn statements from the detainee and all witnesses.

If the property is not recovered or is recovered, but in damaged condition, staff shall prepare a report for the facility administrator, providing:

a. name and A-number/facility detainee number of

the detainee claiming ownership;

- b. description of the property and, if applicable, damage;*
- c. date and time the loss or damage was discovered;*
- d. name(s) of person(s) discovering the loss or damage;*
- e. the circumstances under which the person(s) discovered the loss or damage;*
- f. names and statements of all witnesses;*
- g. place, date and time the property was last seen (before reported missing or damaged);*
- h. the circumstances under which the property was last seen (before reported missing or damaged); and*
- i. sworn statements from the detainee and all witnesses.*

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

2. Lost or Damaged Property in SPCs

In addition to all procedures specified above, SPC staff must complete Form I-387 Report of Detainees Missing Property for missing property (but not for damaged property). The original copy of this form shall be placed in the detainee's A-file. The facility shall retain a copy.

In accordance with the administrative manual, the facility administrator shall report allegations of impropriety against staff in the handling of detainee funds or valuables.

3. Lost and Damaged Property

All facilities shall have and follow a policy for loss of or damage to properly received detainee property, as follows:

- a. all procedures for investigating and reporting property loss or damage shall be implemented as specified in this standard;
- b. supervisory staff shall conduct the investigation;
- c. the senior facility contract officer shall promptly process all detainee claims for lost or damaged property;
- d. the official deciding the claim shall be at least one level higher in the chain of command than the official investigating the claim;
- e. the facility shall promptly reimburse detainees for all validated property losses caused by facility negligence;
- f. the facility may not arbitrarily impose a ceiling on the amount to be reimbursed for a validated claim; and
- g. the senior contract officer shall immediately notify the designated ICE/ERO officer of all claims and outcomes.

M. Abandoned Property

All facilities shall report and turn over to ICE/ERO all detainee abandoned property.

- 1. Contraband shall be handled in accordance with standard "2.3 Contraband."
- 2. Property that is of minimal value, broken, or clearly abandoned shall be discarded.
- 3. Because property obtained through non-appropriated funds cannot be donated, donations of abandoned property to charitable organizations are prohibited.