

ICE/DRO DETENTION STANDARD

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 ICE/DRO detainees:

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

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

Some terms used in this document may be defined in the separate **Definitions Standard**.

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

1. The security, safety and good order of each facility will be maintained through an immediate search of each newly admitted detainee's property.
2. Each detainee's funds, valuables, baggage, and personal property will be inventoried, receipted, stored and safeguarded for the duration of their detention.
3. Each detainee will be informed about what funds and property may be retained in his or her possession and about procedures to report missing or damaged property.
4. The applicable content and procedures in this Standard will be communicated to the detainee in a language or manner which the detainee can understand.

III. DIRECTIVES AFFECTED. This Detention Standard replaces **Funds and Personal Property** dated 9/20/2000.

IV. REFERENCES

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

ICE/DRO Detention Standard on **Contraband**.

V. EXPECTED PRACTICES

A. General

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

- Account for and safeguard detainee property from time of admission until date of release;
- Inventory and receipt detainee funds and valuables;
- Inventory and receipt detainee baggage and personal property (other than funds and valuables);
- Inventory and audit detainee funds, valuables, and personal property;
- Return funds, valuables, and personal property to detainees being transferred or released; and
- 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:

- A cash box for currently held detainee funds that can be accessed only by designated supervisor(s);
- Valuable-property envelopes, which can be accessed only by designated supervisor(s);
- A dedicated safe for the cash box and property envelopes.

All facilities, at a minimum shall provide:

- A secured locker for holding large valuables, that can be accessed only by designated supervisor(s); and
- 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 should be kept in either the shift supervisor's office or otherwise secured in an area accessible only by 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 the Detention Standard on **Contraband**, any unauthorized personal property is contraband that 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 concerning personal property, including:

- Which items (and cash) they may retain in their possession;

- That, upon request, they shall be provided a ICE/DRO-certified copy of any identity document (passport, birth certificate, etc.) placed in their A-files;
- The rules for storing or mailing property not allowed in their possession;
- The procedure for claiming property upon release, transfer, or removal;
- The procedures for filing a claim for lost or damaged property;
- Access to detainee personal funds to pay for legal services.

D. Admission

Staff shall search all arriving detainees' personal property for contraband.

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 and, if so, how much cash each detainee may keep in his or her personal possession while in detention.
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 have the 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, such as passports, birth certificates, are held in each detainee's A-file but, upon request, staff shall provide the detainee a copy of a document, certified by an ICE/DRO 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.

In SPCs and CDFs, each detainee shall be permitted to keep in his or 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:

- *Small religious items including religious jewelry items;*
- *Religious and secular reading material (softbound), and correspondence;*
- *Legal documents and papers, including property receipts;*
- *Up to ten photographs measuring 5" x 7" or smaller;*
- *Prescription glasses;*
- *Dentures;*

- *Personal address book or pages;*
- *Wedding ring;*
- *Other items approved by the facility administrator or chief security officer.*

Examples of items detainees may not retain include:

- *Cash in excess of the established facility limit;*
- *Any negotiable instrument;*
- *Jewelry other than small religious items and wedding rings;*
- *Other items of value, for example, cameras, radios, stereos;*
- *Personal clothing and hygiene items when the facility provides them;*
- *Prohibited publications, including (but not limited to) publications depicting activities that present a substantial risk of 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, alcohol, or weapons.*
- *Drugs and medications not prescribed or authorized by facility medical staff.*

Every housing area shall have lockers or other securable space for storing detainees' authorized personal property. The amount of storage space shall correspond 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 or her choosing.

- The facility may make shipping arrangements for a detainees requiring such help and shall assume the cost if the detainee cannot afford postage.
- If a detainee does not provide an appropriate mailing address within 30 days, 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 lbs.
- 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 the Detention Standard on **Contraband**, after providing the detainee with written notice.
- When personal property is shipped, staff shall prepare an inventory record and maintain a copy in the detainee's detention file.

G. Officer Processing of Funds and Valuables

SPCs and CDFs 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 is mandatory to inventory any funds removed from a detainee's possession, and a separate form G-589 is required for each kind of currency and negotiable instrument.

The removal and inventory shall be conducted in the detainee's presence, and at least two officers must be present to remove funds from a detainee's possession and to inventory the property on the G-589. The G-589 shall include:

- *The detainee's A-number or facility detainee number in the center area, just above the biographic information;*
- *The three-letter facility designation;*
- *The current date;*
- *The complete name of the detainee, printed legibly;*
- *In the "Quantity" column, the number of checks, money orders, or other negotiable instruments;*
- *In the "Description" column:*
 - *The amount and type of currency; the kind of check, money order, or other negotiable instrument;*
 - *The name of the issuing bank, the register or check number, and the account name.*
 - *For U.S. currency, the dollar sign (\$) followed by the dollar amount, for example. \$100.*
 - *For foreign currency, the currency amount followed by the type, for example, 140 Japanese Yen, 300 German Marks, 4,000 Mexican Pesos.*

For a detainee with more than one kind of negotiable instrument, the officers shall prepare as many G-589s 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.

After all required information is recorded on the G-589, the carbon paper between the white original copy and the blue duplicate copy shall be removed.

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

- *White original to the detainee (property receipt);*
- *Blue copy to detainee's I-385 booking card or detention file (attachment);*

- *Pink copy to funds envelope (insert).*

*The admissions processing officer shall record each G-589 issued and enter the initials and star numbers of receipting officers in the facility's **G-589 Property Receipt Logbook**. 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 G-589 shall describe each item of value. Jewelry shall be described in general terms (for example, 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, with copies distributed as above. The officers shall then place the valuables (and pink copy of G-589) in a clear envelope, which they shall secure by heat-sealing or other approved techniques for tamper-proofing.

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

3. Large valuables

*Large valuable are items that do not fit into property envelopes, for example, televisions or musical instruments. The G-589, 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 G-589 and a Baggage Check (Form I-77). The officers shall 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 shall record the G-589 issuance in the facility's **G-589 Property Receipt Logbook** and secure the item(s) in the designated storage area.*

H. Supervisor Processing of Funds and Valuables

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

- 1. Verify the correctness of all G-589s;*
- 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

In SPCs and CDFs, the following procedures apply:

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 should inventory all property even if 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 or her personal property.

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

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

- *Date and time of admission;*
- *Detainee's complete name and A-number or facility detainee number;*
- *Description, quantity and disposition of articles. Disposition may be indicated as either:*
 - *"S" for "Safekeeping" (by the facility), or*
 - *"R" for "Retained" (by the detainee);*
- *General condition of the property; and*
- *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 as follows:

- *A pre-numbered, three-part I-77 shall be issued for each separate item of baggage or container. The front side of the 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.*
- *Each I-77 shall bear the detainee's full name and A-number/facility detainee number, and the date.*
- *The detainee's signature must appear on both the top (Part I) and bottom (Part III) of the I-77.*
- *The top part of the I-77 shall be attached to the detainee's property.*
- *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.*
- *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 manner that is tamper-resistant (such as by a tamperproof 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 I-77 shall then be stored in the facility baggage storage area.

J. Inventory and Audit

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 shall simultaneously conduct an audit of these items. 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, SPCs shall use Form G-786/Alien Funds Audit Sheet, and CDFs shall 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 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 filled in reflecting the amount of checks, money orders and other negotiable items.*
- 4. **Total of G-589 Property Receipts.** This is the total amount of funds, checks, money orders and other negotiable items as reflected by the copies of the G-589s (or equivalent forms) in the cash box.*
- 5. **Disbursed During Shift.** The total amount of funds disbursed during the shift. The out-going processing supervisor shall enter disbursement information.*
- 6. **Received During Shift.** 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.** The amount on hand as counted by the out-going processing supervisor. (If this doesn't match with the cash on 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.*
- 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 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 daily log shall indicate the date, time and 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 card, wristbands, and property receipts to positively identify the detainee being released or transferred, the detainee shall 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 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.*
- 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 shall be returned to the detainee. The detainee shall then sign the blue copy of the G-589, indicating his or 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

In SPCs and CDFs, 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:

- 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 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 (not damaged property). The original copy of this form shall be placed in the detainee's A-file, with a copy retained by the facility.

The facility administrator shall report allegations of impropriety against staff in the handling of detainee funds or valuables in accordance with the Administrative Manual.

3. Lost and Damaged Property in CDFs and IGSA

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

- 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 officer shall process all detainee claims for lost or damaged property promptly;
- The official deciding the claim shall be at least one level higher in the chain of command than the official investigating the claim;
- The facility shall promptly reimburse detainees for all validated property losses caused by facility negligence;
- The facility may not arbitrarily impose a ceiling on the amount to be reimbursed for a validated claim; and
- The senior contract officer shall immediately notify the designated ICE/DRO officer of all claims and outcomes.

M. Abandoned Property

All CDFs and IGSA facilities shall report and turn over to ICE/DRO all detainee abandoned property.

ICE/DRO shall handle abandoned property in accordance with ICE/DRO Detention and Removal Operations Policy and Procedures Manual on Detainee Property Management (Chapter 30):

1. Notification, including DRO staff contact and telephone number, shall be sent by certified mail to the last known address of the detainee, advising him or her that the property has been declared abandoned and that he or she has 30 days in which to contact ICE/DRO to arrange to claim the property. Notification shall state that failure to respond within 30 days will be considered abandonment of property.
2. If the detainee does not respond or expresses no interest in claiming the property, the facility administrator shall have the property "vested" into the ownership of the government.
3. After the property has been vested, ICE/DRO shall:
 - Use the property,
 - Destroy the property, or
 - Sell the property at auction and deposit the proceeds into a general account.
4. Contraband shall be handled in accordance with the Detention Standard on **Contraband**.
5. Property that is of minimal value, broken, or clearly abandoned shall be discarded.
6. Because property obtained through non-appropriated funds cannot be donated, donations of abandoned property to charitable organizations are prohibited.

Standard Approved:

James T. Hayes, Jr. /s/

12/5/2008

James T. Hayes, Jr
Director
Office of Detention and Removal Operations

Date