

2.3 Funds and Personal Property

Introduction

This U.S. Immigration and Customs Enforcement (ICE) Family Residential Standard ensures that residents' personal property, including funds, valuables, baggage, and other personal property, is safeguarded and controlled.

Various terms used in this standard also may be defined in the ICE Family Residential Standard on *Definitions*.

Program Philosophy

The requirements of this standard must be implemented in accordance with the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes*.

A. Language Access and Disability Requirements

Centers will adhere to the language access and disability laws, regulations, responsibilities, requirements, and laws cited in the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes* and the ICE Family Residential Standard on *Disability Identification, Assessment, and Accommodation*. These requirements must be promulgated in all Center policies, practices, and operations and its themes must be fully incorporated into every Center activity. This is of critical importance and will directly impact resident life, health, and safety.

Expected Outcomes

The expected outcomes of this standard are as follows (specific requirements are defined in the Expected Practices section in this standard):

1. Safe and secure Center operations will be maintained through an immediate search of each newly admitted resident's property.
2. Centers will inventory, receipt, store, and safeguard resident funds, valuables, baggage, and personal property.
3. Centers will inform residents of what funds and property may be retained in his/her possession.
4. Centers will inform residents of the procedures for reporting missing or damaged property.

Standards Affected

This standard replaces the ICE Family Residential Standard on *Funds and Personal Property* dated 12/21/2007.

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Expected Practices

A. General

All Centers are required to have written policies and procedures to:

- Account for and safeguard resident property from time of admission until date of discharge;
- Inventory and receipt resident funds and valuables;
- Inventory and receipt resident baggage and personal property (other than funds and valuables);
- Return funds, valuables, and personal property to residents being transferred or discharged;
- Assist residents reporting missing or damaged property;
- Investigate reported missing or damaged property if the loss or damage occurred at the current Center or in transit; and
- Conduct audits of stored resident funds, valuables, and property.

In many Centers, resident funds are deposited in the resident's commissary account. Centers without a commissary will provide secured storage or individual non-interest-bearing bank accounts for currently held resident funds.

Funds held in secured storage will be accessed only by designated supervisors and/or property staff.

Centers must have a property storage area that is secured when not supervised by staff.

Property staff must keep a property log or electronic equivalent to record the retention and return of resident funds, valuables, and other property.

Centers must have a dedicated safe for securing resident funds and valuables, only accessible by designated supervisors and/or property staff.

Centers must ensure proper accounting of retained resident funds, valuables, and property being held. Centers will conduct a minimum of monthly audits of property and property logs, or their electronic equivalents.

All Centers, at a minimum, will provide:

- A secured locker for holding large valuables, which can be accessed only by designated supervisors and/or property staff; and
- A baggage and property storage area that is secured when not attended by assigned admissions processing staff.

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

B. Contraband

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All resident property arriving at Centers will be processed in accordance with the ICE Family Residential Standard on *Contraband*. Property will be considered contraband when possessed by residents without staff authorization. If any unauthorized personal property is contraband, then it must be surrendered to staff for securing, receipting, and inventorying.

C. Resident Notice

Centers will provide to residents the resident handbook and local supplement (as appropriate), which will notify the residents of Center policies and procedures related to personal property, including:

- A list of items that residents may retain in their possession;
- The procedure for requesting access to stored items;
- The procedure for requesting a certified copy of identity documents (passport, birth certificate, etc.) placed in their alien files;
- The procedure for storing or mailing property not allowed in their possession;
- The procedure for claiming property upon discharge, transfer, or removal;
- The procedure for filing a claim for lost or damaged property;
- The procedure for accessing information contained on stored electronic media, such as personal cell phones or computers; and
- The procedure to access resident personal funds needed (for paying for legal services, sending money to family, etc.).

D. Admission

Upon admission, residents will surrender all funds, valuables, and property to staff to be inventoried and processed. Staff will search and inventory resident property in the presence of the resident, unless instructed otherwise by the Center Administrator. All medications in possession of arriving residents will be forwarded to the Center health care provider. Standard operating procedure requires residents to provide a forwarding address that can be used if personal property is discovered at the Center after the resident's discharge, transfer, or removal.

E. Limitations on Possession of Funds and Personal Property

Residents may keep a reasonable amount of personal property in their possession, provided it poses no threat to resident safety or Center security. Residents will be granted an opportunity to store excess property with a third party or, with the Center Administrator's permission, in the Center's personal property storage area.

Identity documents (e.g., passports and birth certificates) are held in accordance with the Family Residential Standard on *Admission and Release*. Each resident will 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 safe and secure Center operations:

- Small religious items, including religious jewelry items;

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- Religious and secular reading material (softbound) and correspondence;
- Legal documents and papers, including property receipts;
- Up to 10 photographs measuring no more than 5 x 7 inches;
- Prescription glasses, reading glasses and/or sunglasses, and, when authorized by medical staff, contact lenses;
- Dentures;
- Medical devices;
- Personal address book or pages;
- Wedding ring;
- Artwork, crafts, etc., accumulated while in residence;
- Toys and small comfort items owned by resident minors; and/or
- Other items approved by the Center Administrator or designated staff.

Examples of items residents may not retain include the following:

- Unauthorized cash;
- Any unauthorized negotiable instruments;
- Jewelry, other than small religious items and wedding rings;
- Items over the value limit established by Centers;
- Drugs and medications not prescribed or authorized by Center medical staff;
- Prohibited publications in accordance with the Family Residential Standard on *Contraband*; and/or
- Originals of identity documents, such as passports, birth certificates, and driver's licenses.

F. Property Storage

Centers will provide residents with lockers or other space in their living area for storing authorized property. If space constraints limit the amount of property residents may keep in their living area (excess toys, books, newspapers, magazines, etc.), then Centers also will provide a secure authorized property storage area that the resident may access during their stay.

G. Excess Property

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

The Center may make shipping arrangements for a resident requiring such help, and will assume the cost if the resident cannot afford postage.

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Staff will inventory the property and record the shipment address prior to shipment. Centers will provide a copy of this information to the resident and place a copy in the resident's residential file.

If a resident does not provide an appropriate mailing address within 30 days of entry, then the Center may make reasonable accommodations to store the excess property until the resident's removal or discharge. Ordinarily, the amount stored may not exceed 40 pounds.

H. Accessing Property

1. Stored Authorized Property

Residents may access their own stored authorized property by requesting access through staff. A supervisor will arrange a time for the resident to access his/her property. Residents will be supervised while they are accessing their stored authorized property.

Should more than one family member request access or have claim to the same property, a supervisor will be engaged to resolve any conflict.

2. Stored Unauthorized Property

Residents will not be allowed in the unauthorized property area. When residents need information from electronic media, etc., stored there, they will request the information through staff. A supervisor will remove the items from the unauthorized storage, supervise the residents while they access the information, and return the items to the unauthorized property area after the information has been obtained.

I. Documenting Inventory and Receipt of Funds and Valuables

Two staff will inventory resident funds, valuables, and other property in the presence of the resident.

Staff will use a G-589 "Property Receipt" form to document the inventory, which will include:

- The resident's alien number (A-number) and Center resident number (if used);
- The current date;
- The complete name of the resident, printed legibly;
- The complete names of the two staff inventorying the items;
- Description of the items inventoried (see specific description instructions below);
- Signature of the resident; and
- Signatures of the two staff conducting the inventory.

1. Funds

Centers will use the G-589 "Property Receipt" form to inventory any funds removed from a resident's possession. A separate G-589 form is required for each kind of currency and negotiable instrument.

The G-589 will include:

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- In the “Quantity” column, the number of checks, money orders, or other negotiable instruments;
- In the “Description” column, the amount and type of currency, or 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 (e.g., \$100); and
- For foreign currency, the currency amount followed by the type (e.g., 140 Japanese Yen, 300 Euros, 4,000 Mexican Pesos).

When inventorying more than one kind of negotiable instrument, the staff will prepare as many G-589 forms as necessary to list separately all checks, all money orders, each additional category of negotiable instrument, and each type of foreign currency.

If cash is returned to the resident for possession inside the Center, then staff will record the transaction in the “Description” column of the affected G-589 form.

All the funds inventoried on a particular G-589 form will be secured in a property envelope having a tamper-proof closure. The funds then will be deposited in a cashbox, dedicated drop safe, or similarly secured depository until being deposited in the resident’s Center account.

2. Small Valuables, Including Jewelry

At least two staff members will inventory resident valuables in the presence of the resident.

The G-589 form will include:

- In the “Quantity” column, the number of each type of small valuable being inventoried;
- In the “Description” column:
 - Describe each item of value; and
 - 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.

Valuables will be placed into a clear envelope, having a tamper proof closure.

3. Large Valuables

Large valuables are items that do not fit into property envelopes (e.g., televisions or musical instruments).

The G-589 form will include:

- In the “Quantity” column, the number of each type of large valuable being inventoried; and
- In the “Description” column, describe generally each item of value.

A baggage check (Form I-77) also should be used to tag each large valuable. See the Form I-77 Baggage Tags section in this standard for specific information on using baggage check (Form I-77).

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J. Processing the G-589 Form

The two staff and the resident will sign all copies, after which the copies will be distributed as follows:

- Give the white original/first copy to the resident as a receipt; and
- Attach the blue/second copy to resident's I-385 booking card or resident file and insert the pink/third copy into the envelope containing the funds or valuables.

The staff inventorying the funds and valuables will record each G-589 form issued and the first and last name and any corresponding identifiers of receipting staff in the Center's G-589 form property receipt logbook. Staff then will deposit the secured envelope(s) in a Center drop safe or similarly secured depository.

K. Supervisor Processing of Funds and Valuables

During each shift, the designated supervisory staff will verify the accuracy of all G-589 forms, 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 designated supervisory staff or equivalent will remove the contents of the drop safe or similarly secured depository during his/her shift and initial the G-589 accountability log. The supervisor will:

- Verify the accuracy of all G-589 forms;
- Record the amount of cash and describe each item in the supervisors' property log; and
- Verify the proper disposition of funds and valuables by checking the sealed envelopes in the cash box, the property envelopes in the safe or similarly secured depository, and the safekeeping of all large valuables in the designated secured locked area.

L. Processing of Baggage and Personal Property Other Than Funds and Valuables

Centers will complete an itemized inventory of all resident baggage and personal property (separate from funds and valuables) during admissions, processing, and for property received during visitation or through the mail, using a "Personal Property Inventory" form or its equivalent. Each Center will inventory all property, even in the event that the property was inventoried previously by another Center and is contained in a sealed bag. If a resident has no container to hold the property, then a Center container will be provided to store his/her personal property.

A Form I-77 also will be issued for each separate item of baggage or container. See the Form I-77 Baggage Tags section in this standard for specific I-77 instructions.

All resident luggage and Center containers used for storing resident personal property will be secured in a tamper-resistant manner and will be opened only in the presence of the resident.

Staff will determine which items are authorized per Center policy and either allow the resident to retain the items (authorized) or place them into unauthorized storage.

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M. Personal Property

Personal property will be inventoried on a “Personal Property Inventory” form, or its equivalent, in the presence of the resident and must contain the following information at a minimum:

- Date and time of admission;
- Resident’s complete name and A-number or Center resident number;
- Description and quantity of articles (e.g., three pairs of pants);
- Disposition of the property, which may be indicated as:
 - “AE” for “authorized excess” property secured by the Center in the property room;
 - “AR” for “authorized retained” property kept by the resident in his/her living area; or
 - “U” for “unauthorized” property (soft contraband) secured by the Center in the property room.
- General condition of the property (e.g., new or used); and
- The signature and the printed name of the staff member completing the inventory and the signature and printed name of the resident.

N. Form I-77 Baggage Tags

A pre-numbered, three-part Form I-77 will be issued for each large valuable and 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.

Each Form I-77 will bear the resident’s full name and A-number/Center resident number and the date.

The resident’s signature must appear on both the top (Part I) and bottom (Part III) of the Form I-77.

The top part of the Form I-77 will be attached to the resident’s property.

The center part will provide a brief description of the large valuable or property container (television, black suitcase, paper bag, etc.) and will be attached to the resident’s booking card or resident file.

The bottom part will be given to the resident and the reverse side also will contain a brief description of the large valuable or property container.

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

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

Tagged baggage and other large valuables will be stored in the Center secure baggage storage area.

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O. Inventory and Audit

Centers will conduct at least monthly audits of resident funds, valuables, and other property utilizing two staff. Any discrepancies will be reported immediately to the Center Administrator and Juvenile and Family Residential Management Unit (JFRMU) Onsite Coordinator.

The Center's inventory audit will indicate the inventory's date and time, and the name or names of the staff conducting the inventory.

Both incoming and outgoing supervisors simultaneously will conduct an audit of resident funds, property envelopes, and large valuables where physical custody of, or access to such items changes with Center shift changes. The property and valuables logbook will record the date, time, and the name of the staff conducting the inventory. Any discrepancies will be reported immediately to the designated supervisor, who will follow Center procedure to ensure that all resident funds and valuables are accounted for.

For each audit, Centers will use Form G-786 "Alien Funds Audit Sheet," reflecting, at a minimum, the following information:

- Funds Held by Staff Other than the On-duty Supervisor: At no time will funds be held by staff other than the on-duty supervisor.
- 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).
- Checks, Money Orders, or Other Negotiable Items: The incoming supervisor will conduct the count, and will complete the appropriate blanks reflecting the amount of checks, money orders, and other negotiable items.
- 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 G-589 forms in the cash box.
- Disbursed During Shift: This figure represents the total amount of funds disbursed during the shift. The outgoing processing supervisor will enter disbursement information.
- Received During Shift: This figure represents the total amount of funds collected during the shift. The outgoing processing supervisor will complete this information.
- Cash on Hand at End of Shift: This figure represents the amount on hand as counted by the outgoing processing supervisor. If the logged figure does not match with the cash currently on hand, then a new audit will be conducted. Security staff will follow Center procedures to ensure that all resident funds and valuables are accounted for.
- Number of Sealed Property Bags: In Centers without commissaries, a comprehensive weekly audit will be completed jointly by the Operations Supervisor or equivalent, and a staff member. The audit will be logged in the property and valuables logbook. Discrepancies will be reported to the supervisor. The supervisor will take the necessary steps, according to Center policy, to ensure that all resident funds and valuables are accounted for.

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P. Release or Transfer

Centers will have a policy and written procedure for returning resident funds, valuables, and property when they are transferred, removed, or discharged.

After checking the I-385 form, "Resident Identification," and property receipts to positively identify the resident being transferred, removed, or discharged, the resident will present the white copy of both the G-589 form(s) and I-77 form(s) for all receipted property.

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

For each I-77 presented, staff will compare the signature on the resident's portion with the portion on the stored item and the portion on the booking card or resident file. Depending on the size and kinds of funds and valuables listed on the G-589 form, staff will conduct checks as follows:

- Small Valuables: Match the contents of the property envelope against the itemized list on all three copies of the G-589 form;
- Large Valuables: Match the tagged items against the description on all three copies of the G-589 form;
- Negotiable Instruments: Match the negotiable instruments against the description on all three copies of the G-589 form; and
- Cash Funds: Compare the property description(s) on the white, pink, and blue copies of the G-589 form.

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

Q. Lost or Damaged Property

1. General

Centers will have a written policy and procedure for resident property reported to have been lost or damaged while at the Center. A lost property report will be required.

When residents arrive at Centers reporting property lost or damaged during transit, staff will notify ICE/Enforcement and Removal Operations (ERO), who will advise the resident on the process for reporting and resolving lost or damaged property issues. Staff will document this notification in the resident's file.

If the property is not recovered or is recovered but in damaged condition, then staff will prepare a report for the Center 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 resident and all witnesses.

ICE will be notified when a resident's property is reported to have been lost or damaged while at the Center. A supervisor will investigate and, if necessary, take prompt action to prevent further

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losses. If the property is not recovered or is recovered in a damaged condition, then staff will prepare a report for the Center Administrator and the JFRMU Chief, providing:

- Name and A-number/Center resident number of the resident claiming ownership;
- Description of the property and, if applicable, damage;
- Date and time the loss or damage was discovered;
- Name(s) of person(s) discovering the loss or damage;
- The circumstances under which the person(s) discovered the loss or damage;
- Names and statements of all witnesses;
- Place, date, and time the property was last seen (before reported missing or damaged);
- The circumstances under which the property was last seen (before reported missing or damaged); and
- Sworn statements from the resident and all witnesses.

Residents claiming property was lost or damaged while at the Center will be allowed to initiate the claim before leaving the Center. The Center Administrator will send the results of the investigation of the resident's claim to the designated ICE/ERO staff. All efforts will be made to investigate claims and locate and return lost property. However, in such instances where the resident property cannot be located and returned, residents may file a civil tort claim for reimbursement by submitting an ICE I-387 form as provided by ICE/ERO.

2. Lost and Damaged Property

All Centers will have and follow a policy for properly receipted lost or damaged resident property, as follows:

- All procedures for investigating and reporting lost or damaged property will be implemented as specified in this standard;
- Supervisory staff will conduct the investigation;
- Senior Center staff will process all resident claims promptly for lost or damaged property;
- The official deciding the claim will be at least one level higher in the chain of command than the official investigating the claim;
- The Center will reimburse residents promptly for all validated property losses caused by Center negligence;
- The Center may not impose an arbitrary ceiling on the amount to be reimbursed for a validated claim; and
- Designated staff will notify the designated ICE/ERO staff immediately of all claims and outcomes.

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R. Abandoned Property

Centers will report and transfer all resident abandoned property to ICE/ERO.

Contraband will be handled in accordance with the ICE Family Residential Standard on *Contraband*.

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

References

- ICE Family Residential Standard on Admission and Release
- ICE Family Residential Standard on Contraband
- ICE Family Residential Standard on Definitions
- ICE Family Residential Standard on Program Philosophy, Goals, and Expected Outcomes