



Home Office

Detention Services Order 05/2011

Management of detainees' cash exceeding the value of £1000, the Proceeds of Crime Act 2002 (POCA) and the referral process

July 2018



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Document details

Process: To provide instructions to those operating in the detention estate on the correct process for reporting cash amounts exceeding £1000 to enable seizure under POCA, where appropriate.

Implementation Date: May 2011 (reissued July 2018)

Review Date: July 2020

Version: 3.0

Contains Mandatory Instructions

For Action: Supplier staff in immigration removal centres (IRC), Gatwick pre-departure accommodation (PDA) and short-term holding facilities (STHF).

For Information: Caseworkers and Home Office contract monitoring staff.

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Processes Affected: This DSO sets out instructions on the reporting of cash amounts over £1000 that are identified in the detention estate

Assumptions: All staff will have the necessary knowledge to follow these procedures

Notes: N/A

Instruction

Introduction

1. This order provides guidance for staff on managing cash amounts that exceed £1000 (or equivalent value in any currency).
2. Referrals for port cases are the responsibility of Border Force and will be dealt with separately. This DSO does not apply to cash seizures of detainees arriving directly from an airport.
3. For the purpose of this instruction, all references to “Centre” include IRCs, STHFs and PDA.

Policy framework

4. The Proceeds of Crime Act 2002 (POCA) provides powers for the civil detention and forfeiture of cash which is suspected to derive from, or be intended for use in crime (a ‘cash seizure’). The purpose of these powers is to remove cash from the criminal economy to deprive criminals of the proceeds of their criminality and reduce the pool of funds available for future criminal activities.
5. Under the POCA Act 2002, cash is defined as notes and coins in any currency, cheques of any kind, postal orders, banker’s drafts, bearer shares or bonds estimated to be over a value equivalent to £1000.
6. The seizure of cash under chapter 3 part 5 of POCA is a civil power, and although cash seizure is often linked to a criminal investigation and/or immigration offence, there does not need to be an arrest or associated criminal investigation in order to seize cash.

Purpose

7. This order will ensure that all staff in IRCs, STHFs and PDA are aware of POCA and how it applies to managing cash amounts in excess of £1000 that are found within the detention estate.

Procedures

8. All cash that exceeds £1000 (or the equivalent in any currency) found in the possession of a detainee - either handed in on a visit, sent in through the post or found in possession when entering the detention estate - must be reported as soon as

possible (see paragraphs 9-16) to the Criminal and Financial Investigation (CFI) on-call Chief Immigration Officer (CIO) or the Financial Investigation Unit (FIU). This can include either a single amount over £1000 or smaller amounts of cash being received by a detainee that together total over the minimum amount of £1000.

Telephone referrals – contact numbers

9. The contact details for the on-call CIO CFI and the on-call FIU are distributed with the weekly Detention and Escorting Services on-call list.

Weekdays (office hours)

10. Between the hours of 9am to 5pm Monday to Friday a referral must be made **by phone** to the CFI CIO in the region where the detention centre is located.

Weekdays (out of hours)

11. During the following hours, referrals must be made to the on call CIO in the Financial Investigation Unit:
 - 5pm to 11pm
 - 5am to 9am
12. Exceptionally, an urgent telephone referral to the FIU (for example if the detainee has removal directions in place within the next 24 hours) can be made before 5am, if a detainee with impending same day removal directions arrives at a centre with cash exceeding £1000.

Weekends

13. Weekend referrals must be made by phone to the on-call CIO in the FIU during the following hours:
 - 5am to 11pm

Written referrals

14. Immediately following the telephone referral detailed above, a cash referral form (see Annex A) must be completed and sent to the CIO the referral was made to. Where needed, the on-call CIO will provide contact details. The Annex A referral must include all details of the cash find and both telephone and email contacts of the centre's security team, so they can be contacted as soon as possible during office hours.
15. All finds of cash exceeding £1000 must also be reported by centre supplier staff by completing a security information report (SIR) – see DSO 11/2014 'Security information reports'.

Securing cash sums following referral (IRCs, residential STHFs & PDA)

16. When a referral is made, **all cash** in the detainee's possession must be secured in an evidence bag. However, the detainee must be allowed to keep any allowances received in detention or cash earned through engaging in paid activities in the centre.
17. It is the centre manager's responsibility to ensure all cash sums being referred are kept securely until the CFI CIO or the FIU have determined whether the cash should be seized. A clear audit trail must be kept of the date and time the cash was secured, where it was kept and the reference number of the evidence bag. Details of any cash being secured must be recorded in the detainee's property log.
18. Following a referral being made, the CFI CIO or the FIU must provide written confirmation by email to the centre's security team (see paragraph 14) of whether an investigation under POCA will be conducted or if the cash can be returned to the detainee. This confirmation must be provided as quickly as possible and no later than two working days from the time of the referral.
19. Unless the centre has been provided with written confirmation from the Financial Investigation Unit that the sums are to be seized, **no detainee can be released, or otherwise permanently discharged from a centre, without all cash sums being returned to his or her property.** Such cases must be notified to the Financial Investigation Unit in accordance with paragraphs 10 – 13.
20. When any cash sums are seized by CFI or the FIU, details of the seizure must be updated on the detainee's property log and records of any cash seized kept within the detainee's individual records.

Revision History

Review date	Reviewed by	Review outcome	Next review
Mar 2015	F Hardy	Rebranded	Mar 2017
Nov 2016	K McDonnell	Update to process to clarify that cash should not be returned until instructed by FIU.	Nov 2018
Dec 2017	K McDonnell	Update to on-call process	Dec 2019
July 2018	J Domingos	Update to on-call process	July 2020