



Home Office

## **Detention Services Order 05/2011**

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

April 2022



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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 of at least £1000 to enable seizure under the Proceeds of Crime Act 2002 (POCA), where appropriate.

**Implementation Date:** May 2011 (reissued April 2022)

**Review Date:** April 2024

**Version:** 4.0

## Contains Mandatory Instructions

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

**For Information:** Caseworkers and Home Office contract monitoring staff.

**Author and Unit:** Runa Miah, Corporate Operations and Oversight Team

**Owner:** Head of Operations, Detention and Escorting Services

**Contact Point:** Shadia Ali, Corporate Operations and Oversight Team

**Processes Affected:** This DSO sets out instructions on the reporting of cash amounts of £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 Detention Services Order (DSO) provides guidance for staff on managing cash amounts of at least £1000 (or equivalent value in any other 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 recovery from people arriving at an IRC or RSTHFs directly from an airport.
3. For the purpose of this instruction, all references to “Centre” include IRCs, RSTHFs and Gatwick PDA.
4. Two different Home Office teams operate in IRCs:
  - Immigration Enforcement Compliance team (Compliance team)
  - Immigration Enforcement Detention Engagement team (DET)
5. The **Compliance team** are responsible for all on-site commercial and contract monitoring work. The **DETs** interact with detained individuals face-to-face within the IRCs, on behalf of responsible officers within the removal centres. They focus on communicating and engaging with people detained at IRCs, helping them to understand their cases and reasons for detention.
6. There are no DETs at RSTHFs, functions which are the responsibility of the DET in RSTHFs are carried out by the supplier and overseen by the Escorting Contract Monitoring Team (ECMT). In the Gatwick PDA the role of engagement with detained individuals is covered by the local Compliance Team.

## Policy framework

7. The Proceeds of Crime Act 2002 (POCA) provides powers for the civil seizure, detention and forfeiture of cash which on reasonable grounds is suspected and is satisfied on a balance of probabilities to derive from or be intended for use in crime (a ‘cash recovery ’). 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.
8. Under POCA, cash is defined as notes and coins in any currency, postal orders, cheques of any kind (including travellers’ cheques), banker’s drafts, bearer bonds and bearer shares, gaming vouchers, fixed-value casino tokens and betting receipts. It can be recovered where it is £1000 or more (or of a value equivalent to £1000 or more).

9. The recovery of cash under Chapter 3 Part 5 of POCA is a civil power, and although cash recovery 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 recover cash.

## Purpose

10. This DSO will ensure that all staff in IRCs, RSTHFs and PDA are aware of POCA and how it applies to managing cash amounts of £1000 or more that are found within the detention estate.

## Procedures

11. All cash that is equivalent to £1000 or more (or the equivalent in any other currency) found in the possession of a detained individual - either handed in on a visit from friends and family, sent in through the post or found in their possession when entering the detention estate - must be referred by the supplier as soon as possible (see paragraphs 12-15) to the Criminal and Financial Investigation (CFI) on-call Officer or the Financial Investigation Unit (FIU) FI inbox. This can include either a single amount of £1000 or smaller amounts of cash being received by a detained individual that together total £1000 or more.

### Telephone referrals – contact numbers

12. The contact details for the on-call CFI Officer is on the Detention and Escorting Services on-call list. The FIU e mail address is [FIInbox@homeoffice.gov.uk](mailto:FIInbox@homeoffice.gov.uk) .
13. Weekdays (office hours) between the hours of 9am to 5pm Monday to Friday a referral must be made **by phone** to the CFI (Crime Team) in the region where the removal centre is located. The CFI Officer taking the referral will provide their email address. The referral form must be sent to the email address provided. The CFI and FIU team will record all the referrals made to them on CLUE and CID/Atlas.

### Weekdays and weekends (out of hours)

14. Outside office hours, referrals must be made by email to the FI inbox. This inbox is manned by FIU on call Officers.

### Written referrals

15. Immediately following the referral process above, a cash referral form (see Annex A) must be completed and sent to the CFI Officer the referral was made to (office hours) or the FI Inbox (out of hours and weekends). Where needed, the on-call CFI Officer 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.

16. All finds of cash of £1000 or more 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)

17. When a referral is made, **all cash** in the detained individual's possession must be secured in an evidence bag. However, the individual must be allowed to keep any allowances received while detained or cash earned through engaging in paid activities in the centre (see [DSO 01/2013 'Paid Activities'](#)).
18. Where detained individuals arrive from another IRC with £1000 or more, the receiving centre must make a referral to the CFI/FIU team. Where detained individuals are transferred from prison, the receiving centre must seek to establish whether the cash was earned through paid work in prison, if the cash was earned through paid work, then no referral is required. There is no requirement to establish evidence regarding cash which the detained individual arrives with or is brought into the centre by friends and family after the individual is detained. Cash brought into the centre by friends or relatives subsequently (amounts less than £1000) is not to be added to the original amount and may be spent by the individual. The CFI/FIU team will investigate the referral.
19. It is the centre manager's responsibility to ensure all cash sums being referred are kept securely until CFI or FIU have determined whether the cash will be recovered. 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 detained individual's property log.
20. Following a referral being made, the CFI or FIU must provide written confirmation by email to the centre's security team (see paragraph 13 ) of whether an investigation under POCA will be conducted or if the cash can be returned to the detained individual. This confirmation must be provided as quickly as possible and no later than two working days from the time of the referral.
21. Unless the centre has been provided with written confirmation from the Financial Investigation Unit that they will attend the centre to recover the cash, **no detained individual 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 12 – 14.
22. When any cash sums are recovered by **CFI or the FIU**, details of the recovery must be updated on the detained individual's property log and records of any cash recovered kept within the detained person's individual IRC records and CID/Atlas.

## Annual self-audit

23. An annual self-audit of this DSO is required by centre suppliers to ensure that the processes are being followed. This audit should be made available to the Home Office on request.
24. Both the DET and Compliance Teams must also conduct annual audits against their respective responsibilities stated within this DSO for the same purpose.

## 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
Jan 2022	Runa Miah	HO Teams updated, link to DSO added, detainee changed to detained individual, policy framework updated, and referral process updated.	Jan 2024