



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

December 2017



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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 December 2017)

Review Date: December 2019

Version: 2.1

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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Owner: Alan Gibson, Head of Detention Operations

Contact Point: Detention Services Intelligence Team

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 any bank notes, cheques of any kind, postal orders, bankers 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 criminal investigation in order to search for and seize cash.

Purpose

7. This order will ensure that all staff within the Home Office detention estate 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 10-13) to the Financial Investigation Team or the Detention

Services Intelligence team. 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

9. The contact details for the Detention Services Intelligence Team and duty HM Inspector and the Financial Investigation Team are distributed with the weekly Detention and Escorting Services on-call list.

Weekdays

10. Between the hours of 9am to 5pm Monday to Friday a referral must be made by email to detentionservicesintelligenceteam@homeoffice.gsi.gov.uk. If the referral is urgent (for example if the detainee has removal directions in place within the next 24 hours), please telephone the Detention Services Intelligence Team.
11. Out of hours referrals must be made to the duty HM Inspector in the Financial Investigation Team during the following hours:
 - 7pm to 11pm
 - 5am to 7am
12. Exceptionally, an urgent referral to the HM Inspector 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 to the duty HM Inspector in the Financial Investigation Team 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 HM Inspector the referral was made to – where needed the on-call HM Inspector 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. The SIR must be handed to the IRC supplier Security Department or designated security officer.

Securing cash sums following referral

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 Intelligence Team or Immigration Financial Investigation Unit 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 Intelligence Team or Immigration Financial Investigation Unit 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 Intelligence Team or 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 Intelligence Team or Financial Investigation Unit in accordance with paragraphs 10 – 13.
20. When any cash sums are seized by the Financial Investigation Unit, details of the seizure must be updated on the detainee's property log and records of any cash seized kept within the detainees 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