



# Management of detainees' cash exceeding the value of £1000 and the proceeds of crime act 2002

Detention service order 5/2011

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### Management of detainee's cash exceeding the value of £1000

#### Introduction

1. This detention services order (DSO) sets out our policy for managing cash amounts that exceed £1000 (or equivalent value in any currency) that is either handed in on a visit, sent in through the post or is in possession of a detainee on reception. The policy applies to all immigration removal centres (IRCs) and short-term holding facilities (STHFs).

#### Purpose

#### **UK Border Agency – Proceeds of Crime Act 2002 (POCA) Section 294 and UK Borders Act 2007 Section 24**

2. Section 24 of the [UK Borders Act 2007](#) gives IOs powers under chapter 3 part 5 of POCA of search, seizure, detention and forfeiture of cash suspected of being recoverable property obtained through or for use in unlawful conduct which is linked to an offence under the Immigration Acts or an offence listed in Section 14 (2) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004. Previously, these powers were only available to police and customs officers. These powers are restricted by policy to immigration officers who have received the appropriate training.
3. The UK Borders Act 2007 designates an appropriate rank within the UK Border Agency for POCA cash search authorisation as an assistant director (AD), although immigration officers must not specifically search for cash until the search Code of Practice has been amended.
4. These powers have been further extended by the Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009 to assistant financial investigators (AFI) who are also IOs or employed by the Home Office.
5. Cash seizure under chapter 3 part 5 of POCA is a civil power, and although cash seizure is often linked to a criminal investigation there does not need to be an arrest or criminal investigation in order to search for and seize cash.
6. It is the responsibility of staff in IRCs and STHFs to ensure that all cash which is found to exceed £1000 pounds (or the equivalent in any currency) **must** be reported. The staff member needs to record this information on to a security information report (SIR) and ensure that the SIR is handed to the security department within the individual centre or STHF.

7. Thereafter it is the responsibility of the security department staff to disseminate this information to the detention services intelligence team inbox [DetentionServicesIntelligenceTeam@homeoffice.gsi.gov.uk](mailto:DetentionServicesIntelligenceTeam@homeoffice.gsi.gov.uk) so that it can be considered for seizure by the crime team.

## **Staff**

8. For the purposes of this DSO, staff are:
- all DCOs in the IRC and STHF estate and escorting providers
  - all UK Border Agency staff working within the estate or in the detainee escorting and population management unit (DEPMU).

## **Queries**

9. Queries about this DSO should be directed to detention services' head of security and intelligence.