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**U.S. Customs and
Border Protection**

APR 22 2021

MEMORANDUM FOR: All Chief Patrol Agents
All Directorate C

FROM: Rodney S. Scott
Chief
U.S. Border Patrol

(b) (6)

SUBJECT: Personal Effects Internal Operating Procedures

In Fiscal Year 2019, the U.S. Border Patrol (USBP) experienced an unprecedented number of apprehensions. Managing detainee personal effects presented significant challenges along the southwest border and created an opportunity to explore more efficient means of managing detainee property. A workgroup of subject matter experts examined the handling of personal effects and the best methods to properly control personal effects not seized or detained by USBP. The attached Internal Operating Procedures (IOP) is the result of their analysis.

Effective immediately, Chief Patrol Agents will comply with the attached IOP, dated April 15, 2021. The IOP standardizes the proper handling and disposal of personal effects claimed by an apprehended subject entering a USBP facility. Sectors will adjust current Standard Operating Procedures as necessary to comply with this IOP. Once personal effects are seized or detained, then they will fall under existing guidance and SOPs based on the Seized Asset Management and Enforcement Procedures Handbook and corresponding directives. The IOP also outlines what constitutes contraband and a health hazard and assists agents in determining what may enter a USBP facility.

Supervisors will ensure that all personnel familiarize themselves and comply with this IOP.

Questions regarding this memorandum or IOP should be directed to Assistant Chief (b)(6);(b)(7)(C) at (b)(6);(b)(7)(C) or via email at (b)(6);(b)(7)(C)

Attachment

**U.S BORDER PATROL
INTERNAL OPERATING PROCEDURE
PERSONAL EFFECTS**

SHORT TITLE: PERSONAL EFFECTS

EFFECTIVE DATE: April 15, 2021

RESPONSIBLE OFFICE: LEOD/Immigration, Prosecution, and Custody Operations

1. PURPOSE

- 1.1. This publication implements the Internal Operating Procedures (IOP) related to Personal Effects of those in U.S. Border Patrol (USBP) custody, including the handling, storing, transferring, and/or destroying those items not seized or detained by the USBP.
- 1.2. To establish procedures to safeguard personal effects discovered during apprehension or processing.
- 1.3. To establish guidelines identifying any item that cannot be stored within USBP facilities due to it being classified as contraband or a health hazard.
- 1.4. To clarify any previously issued guidance or directive for personal effects handling.

2. MISSION

- 2.1. It is the mission of USBP to maintain maximum accountability and control for personal effects from the point of apprehension until the items are disposed of by the detainee or the agency or returned to the detainee or their designee upon transfer, release, or removal.

3. OBJECTIVES

- 3.1. The following procedures outline personal effects management of items in the control of individuals at the point of apprehension/processing until the personal effects are seized, detained, transferred, or returned to the detainee upon release/removal.
- 3.2. Any property or personal effects stored at USBP facilities without the presence of the detainee does not fall under this IOP and will be managed in accordance with previous guidance and directives already in place. Detainee property stored as part of a seizure is not affected by this IOP and must be handled pursuant to the relevant policies and procedures (e.g., Customs Directive 5240-007, *Seized Asset Management and Enforcement Procedures Handbook*, etc.).
- 3.3. The following procedures apply to personal effects claimed by an apprehended subject entering any USBP facility. If a subject's personal effects do not enter a facility, the following IOP does not apply, (e.g., direct Voluntary Return, expulsions, abandoned property, etc.).

4. ROLES AND RESPONSIBILITIES

4.1. USBP Headquarters (HQ)

- 4.1.1. Immigration, Prosecution and Custody Operations (IPC), a component of the Law Enforcement Operations Directive (LEOD) serve as the responsible office for USBP HQ.
- 4.1.2. IPC provide strategic direction to sectors to implement the Personal Effects IOP.
- 4.1.3. The Asset Forfeiture Branch, in the Finance Division of Mission Readiness Operations Directorate (MROD), is responsible for the oversight and administration of the Personal Effects IOP.

4.2. Sector Components

- 4.2.1. The Chief Patrol Agent (CPA) ensures the Personal Effects IOP is implemented and appoints a primary point of contact.
- 4.2.2. An Assistant Chief Patrol Agent (ACPA) serves as the primary sector program manager for the CPA.
- 4.2.3. ACPA is responsible for the oversight and accountability for program implementation and delivery with the assistance of the sector and station level chain of command.

4.3. Station Components

- 4.3.1. Patrol Agent in Charge (PAIC) directs staff to implement procedures outlined and provides a station point of contact to the ACPA.
- 4.3.2. PAIC appoints a responsible party to work with the sector ACPA for oversight and implementation of procedures outlined in the IOP.

5. LEGAL AUTHORITY

- 5.1. *Code of Federal Regulations (CFR): 41 CFR part 101-48; 41 CFR part 102-41*
- 5.2. *Seized Asset Management and Enforcement Procedures Handbook (SAMEPH)*
- 5.3. *Customs Directive 5240-007, Personal Property Disposition Procedures*
- 5.4. *National Standards on Transport, Escort, Detention, and Search (TEDS)*
- 5.5. *CBP Occupational Safety and Health Handbook (HB 5200-08B)*
- 5.6. *USBP Hold Rooms and Short-Term Custody Policy, No. (08-11267)*

5.7. *CBP Directive 2210-004, Enhanced Medical Support Efforts*

5.8. *CBP Handbook 1400-02C, Physical Security Policies and Procedures Handbook.*

6. PROCEDURES

6.1. Any personal effects taken during a law enforcement action need to be safeguarded, itemized, and documented unless classified as contraband or a health hazard. If it is determined that the personal effects are not needed as evidence by any law enforcement agency, the following procedures apply.

6.2. Contraband and Health Hazard

6.2.1. Contraband is any item that may have the capability to cause harm to Border Patrol Agents (BPAs), contractors, or other detainees if left in the possession of the subject or held in their property. Items typically considered contraband include, but are not limited to weapons, knives, pens, pencils, sharp objects, toothbrushes, combs, lighters, metal objects (even if embedded in toys or shoes), medications of unknown origin, or any item that may puncture a plastic bag/skin.

6.2.2. A health hazard, a subclass of contraband, is personal property which, if stored within USBP facilities for any length of time, may pose a risk to detainees, contractors, or employees. Items considered to pose a health hazard may include, but are not limited to perishable items, any food or drink, substances soiled with bodily fluids, petroleum products, external battery packs, poisons (to include bug sprays or insecticides), wet items with the potential to become moldy if placed in a plastic bag, powders, and liquids of an unknown origin, or any item deemed unfit for storage (which requires prompt identification and abatement).

6.2.3. Items deemed a health hazard may vary from station to station based on storage capabilities and designs. Local office procedures and policies may provide additional guidance as to which items are categorized as a health hazard.

6.2.4. Detainees with prescription medications of non-U.S. origin are referred to a health provider to obtain U.S. prescription medications, in accordance with the relevant guidance and policy documents and non-U.S. medications handled per local office protocols and procedures.

6.3. Notification

6.3.1. All subjects are notified if personal effects are classified as contraband or a health hazard and are not permitted to be taken into USBP facilities. Proper notification protocols are determined by the local office and must be done visually through signage (see the sample in Attachment 3) or in writing (no verbal notifications).

6.3.2. Notification of items unable to be stored in USBP facilities may take place at the time of apprehension but must occur prior to the disposal of such items.

6.4. Disposal

- 6.4.1. In general, detainees must willingly and voluntarily dispose of items unfit for storage. If possible, disposal of these items is done in the presence of the apprehended subject.
- 6.4.2. If the detainee refuses to dispose of items willingly and voluntarily which are unsafe for storage, local procedures and protocols must be followed for prompt identification and abatement per the *CBP Occupational Safety & Health Handbook (HB 5200-08B)*.
- 6.4.3. If at any time a detainee chooses to abandon personal effects after they have been inventoried, a notice of abandonment form must be completed and provided to the subject.
- 6.4.4. Items unfit for storage within a USBP facility must be disposed of in the proper receptacle.
- 6.4.5. Items considered a biohazard (e.g., item of clothing with bodily fluids, blood, or an unknown substance on it) must be disposed of in designated biohazard waste containers/bags and approved receptacles.
- 6.4.6. Items that have a potential to puncture the skin must be placed in a sharps container for disposal.
- 6.4.7. Any personal effects in which USBP does not have the capability to appropriately dispose of are transferred to the National Seized Property Contractor.

6.5. Inventory

- 6.5.1. Inventory of personal effects is performed in the presence of the detainee and with the presence of at least two BPAs, when operationally feasible. No itemized inventory of personal effects is needed unless at the discretion of the BPA, detainee, or supervisor (e.g., items of significant value).
- 6.5.2. At a minimum, the subject's personal effects are stored in an individual bag/container and properly receipted with a control number, *utilizing CBP Form I-77, Baggage Check Claim*. All tagged personal effects must be recorded in the system of record during the intake process.
- 6.5.3. Subjects with multiple bags of personal effects are to be provided with multiple control numbers via *CBP Form I-77, Baggage Check Claim*.

6.6. Storage

- 6.6.1. Local office procedures and policies determine where the personal effects are stored. At a minimum, personal effects are stored under cover in a secure area with

limited access, meeting the guidelines of the *CBP Physical Security Handbook (CBP HB 1400-02C)* and are stored separately from the seized property.

6.6.2. Personal effects stored for a minimum of 30 days and not claimed by the subject or their designee are considered abandoned. USBP personnel must attempt to notify the owner through contacts provided by the owner and their respective consulate, whenever operationally feasible to identify where the owner may be and to notify the subject of the personal effects stored at a USBP site. A subject's personal effects must be stored and tracked, utilizing *CBP Form 6051R, Receipt for Property*.

6.6.3. Foreign Government issued documents that have been abandoned are returned to the consulate of the country of issuance. Any passports discovered are sent to the Fraudulent Document Analysis Unit.

6.7. Return of Personal Effects

6.7.1. At the time the subject is to be transferred to another agency, released, returned or repatriated to a contiguous nation, any personal effects inventoried as the subject's are transited with them.

6.7.2. If the agency in which the subject is being transferred refuses to accept the subject's personal effects, the personal effects are secured by USBP per local protocols regarding personal effects storage and the subject must be provided with CBP Form 6051R.

6.7.3. If a subject's personal effects are not immediately returned to the subject upon their release, transfer, or removal (possible evidence or change of disposition), personal effects are handled per local procedures, to include providing a CBP Form 6051R and storing items for a minimum of 30 days.

7. PROGRAM MANAGEMENT AND MEASUREMENT

7.1. Through periodic review of the Personal Effects IOP, USBP HQ ensures that all policies and procedures stated in this IOP are properly adhered to and followed.

7.2. Sector CPAs must ensure that management of the personal effects procedures are included in local oversight inspections.

8. ATTACHMENTS

The following attachments are documents in support of the Personal Effects IOP.

- Glossary of References and Supporting Information
- Self-Compliance Activities and Useful Forms
- Sample Prohibited Items Poster

9. CANCELLATION

9.1. This IOP remains in effect until cancellation or official revision.

10. NO PRIVATE RIGHTS CREATED

10.1. This IOP is an internal policy statement of the USBP and does not create or confer any rights, privileges, or benefits for any person or party.

11. DISCLOSURE.

11.1. This IOP contains information that may be exempt from disclosure to the public under the regulations of the Department of Homeland Security. No part of this IOP can be disclosed to the public without express authority from USBP HQ.

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Manuel Padilla Jr. ✓
Chief
Law Enforcement Operations Directorate

4/10/21
Date

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

CBPHB 4400-01B, Seized Asset Management and Enforcement Procedures Handbook, July 2011

CBPD 5240-007, Personal Property Disposition Procedures, November 2006

CBP, National Standards on Transport, Escort, Detention, and Search, October 2015

CBPHB 5200-08B, Occupational Safety & Health Handbook, September 2012

USBPP 08-11267, Hold Rooms and Short-Term Custody, January 2008

CBPD 2210-004, Enhanced Medical Support Efforts, December 2019

CBPHB 1400-02C, CBP Physical Security Handbook, April 2020

Abbreviations and Acronyms

ACPA-Assistant Chief Patrol Agent

CPA-Chief Patrol Agent

CBP-U.S. Customs and Border Protection

HQ-Headquarters

IOP-Internal Operating Procedure

IPC-Immigration, Prosecution & Custody Operations

LEOD-Law Enforcement Operations Directorate

MROD-Mission Readiness Operations Directorate

PAIC-Patrol Agent in Charge

POC-Point of Contact

SAMEPH-Seized Asset Management and Enforcement Procedures Handbook

TEDS-National Standards on Transport, Escort, Detention, and Search

USBP-U.S. Border Patrol

Attachment 2

SELF-COMPLIANCE ACTIVITIES AND USEFUL FORMS

Although not an exhaustive list, the following activities and forms are designed to help sectors maintain compliance with the Personal Effects IOP.

Activities:

- I-216–Manifest of Persons and Property Transferred:
 - Property number is printed on the manifest with other biographical data;
 - I-216 are utilized, tracked, signed, and stored. Document annotates property accompanied subject at transfer; and
 - Property is verified with manifest prior to transport and at arrival.
- Property transfer sheets are for tracking and accountability.
- Databases to track non-evidentiary subject property:
 - Currently tracking programs are developed at the sector level and vary in complexity and capability. The databases and applications below are used:
 - Microsoft Access database;
 - Microsoft Excel spreadsheet;
 - SharePoint; and
 - Stand-alone tracking system utilizing barcodes attached to property and wristband.
- Property specialists work with contract medical providers regarding tracking and monitoring transfer of prescriptions with detainees, creating two points of failure to ensure the subject is transferred with medications;
- Spot checks of stored personal effects are performed for compliance with local procedures;
- Documents accompanying personal effects placed in storage are reviewed;
- Unannounced random checks of inventory at the sector and station level take place;
- Personal effects are transferred and handled in two-person teams;
- Video recording (CCTV) are done of all personal effects; and
- Quality checks of property control number on property compared to system of record are performed.

Useful Forms:

- CBP Form I-77–Baggage Check Claim;
- 30-Day Abandonment Notice Letter;
- Authorization for Release of Personal Property/Hold Harmless Agreement;
- CBP Form 5947, *Hold Harmless Agreement*;
- CBP Form 5946, *Notice of Abandonment*;
- CBP Form 6051, *Accountability and Control of Custody Receipt for Detained and Seized Property*
 - 6051A
 - 6051D
 - 6051R
- CBP Form I-43A, *Baggage and Personal Effects of Detained Alien*

Attachment 3

SAMPLE PROHIBITED ITEMS POSTER

U.S. CUSTOMS AND BORDER PROTECTION

EXAMPLES OF PROHIBITED ITEMS
-ARTICULOS PROHIBIDOS-

COMBS
PEINES

PENS / PENCILS
PLUMAS / LÁPICES

TOOTHBRUSHES
CEPILLOS

METAL OBJECTS
OBJETOS METÁLICOS

KNIVES / SHARP OBJECTS
CUCHILLOS / OBJETOS AFILADOS

PESTICIDES
PESTICIDAS

LIGHTERS
ENCENDEDORES

BIOHAZARDS
ARTÍCULOS de RIESGO BIOLÓGICO

POWDERS
POLVOS

FOOD & DRINKS
ALIMENTOS Y BEBIDAS

WET MOLDY ITEMS
ARTÍCULOS MOHOSOS/HÚMEDOS

PETROLEUM / POISON
PETRÓLEO / VENENO