

The Return of Personal Property

This guide has been written by members of Disaster Action, who are survivors and bereaved people from disasters. The disasters we have been affected by include the Zeebrugge ferry sinking, King's Cross underground fire, Lockerbie aircraft bombing, Hillsborough football stadium crush, Marchioness riverboat sinking, Dunblane shootings, Southall and Ladbroke Grove train crashes, the 11th September attacks, the South East Asian Tsunami and the Bali, London 7 July and Sharm El Sheikh bombings and other recent terrorist attacks and transportation disasters.

The purpose of this guide is to take you through what may happen to the personal property that someone killed or injured in the disaster may have had with them. While there will normally be a system for dealing with personal property after a disaster, there is potential for misunderstanding, confusion and additional upset. Make sure your wishes are known, understood and recorded. As time goes by, you may have to check on the current status of the policy concerning personal property in your case.

Those responding to a disaster may make judgements about what property they believe has significance to families and survivors. Our purpose is to assist you in making whatever choices are possible about what is important to you in terms of recovery of personal property. Some of the language used by officials to describe items that may be precious to you can seem impersonal and insensitive; in order to explain the process, we have used some of these terms within this guide.

This process may seem like a further invasion of you and your family's privacy at a very difficult time, but from our experience, the return of personal property is very significant to those affected.

Part One: Introduction

What happens to property after a disaster?

After a disaster many items of personal property may have become separated from their owners or found at or near to the site. Other items will be found on or with those who have died.

Items recovered may belong to people who have been killed, to survivors or to companies and corporations. Such property may be referred to as 'belongings' or 'personal effects' and it can include a huge variety of items that have been caught up in the disaster.

Initially the police will aim to gather these items as part of their search and carefully store them. Other organisations and agencies, such as funeral directors, may also have a role in handling the items found. All property should be kept secure and in conditions that prevent any deterioration of its condition.

The role of personal property

Property may be needed as evidence in investigations by different agencies. It may become what is referred to as 'exhibits' and required in any future court cases. Such cases may take some time to complete. Property can assist in establishing the identities of those involved in the disaster if there is difficulty in identifying them by other means. Unfortunately, you may therefore have to wait for some time before property is returned, but you are entitled to know how long you should expect to wait, and why.

Access to property

The careful recovery and storage of personal property is unlikely to be the initial priority for the emergency services, as their first priority will be to save life and then to recover the dead. If you have

chosen to visit the disaster site, you will not normally be permitted to collect any of this property from there yourself. (The only circumstance where you may not be able to visit the site at this time is where safety may be an issue.) As the site is potentially a crime scene, the police and others investigating will want to ensure that nothing is done that may have an impact on the investigation and its outcome.

You should also be aware that property may become available at different stages in the weeks, months and even years after a disaster. Throughout this time a police family liaison officer may be your contact, but others such as funeral directors may also have a role to play.

In some circumstances there may be public health reasons that mean items of property cannot be returned and for safety reasons these will need to be securely destroyed. You are entitled to information as to why this decision has been taken, which should only be as a last resort. Decisions may also be taken - on the basis of the scale of the disaster or the level of damage to the property - to dispose of items rather than to seek to identify and return them all.

The role of family liaison officers

You may have had support from a police family liaison officer and others after the disaster. Information about property should be given to you by your family liaison officer, and ideally they will also carry the process through to discussing your options relating to property and returning it according to your wishes. If the property is retained and then returned to you some time after the disaster, other police officers may take on this responsibility.

Choosing whether to retrieve the property

Choosing whether to retrieve the property is an individual decision. You may feel that to do so would only distress you further, or you may feel that however difficult the process, you wish to go through it. Property may be very badly damaged, burned or contaminated and the first instinct of the police and others may be to protect you, and in so doing they may try to make decisions for you. This is OK if it feels right, but you can choose whether or not to take decisions yourself. Not everyone may understand your need to see the items and have them back, but what may seem morbid or unacceptable to those not directly affected can be a natural thing to do. If you are unsure about receiving items of property you can look at photographs first. You may want to make these choices with the assistance of friends, family, the police or an experienced counsellor.

If you don't feel able to deal with the return of property right away, you have the right to delay any decision making until you are able to. You should ask how long the property is being retained for and how/when you may revisit this decision.

If you are a survivor of a disaster you may feel that the property you have lost does not need to be returned or is a difficult reminder of your experiences. If, however, you would prefer to have property returned to you, you should make this known to the authorities, though it may be that you will not be able to exercise this choice.

Part Two: Returning the Property

Who will the property be returned to?

The authorities will usually only be able to release items of property to the next of kin. This may add extra time to the process, as the agencies involved will wish to minimise the possibility of a making a mistake.

Identification of property

In order to establish who it belongs to, property may need to be sorted, photographed and recorded. It is reasonable to ask about this and how any information or photographs will be used.

You may also be asked for information that can help with this process, including:

- Descriptions of any property lost
- Clear, recent photographs of the property if possible
- Details of items that family and friends may have had with them.

Throughout the process you have the legally protected right to expect that information about you and your family members is kept secure and confidential.

There may be circumstances in which it is necessary to clean or launder items in order to identify them (see paragraph below on Cleaning, laundering and repairs for more on this).

Generally, property can be divided into categories defined technically as ‘associated’ and ‘unassociated’.

Associated items such as passports, bank cards, cheque books and other documents may have a very clear name on them, although the agencies will still need to ensure that they have the right owner. There may also be identifiable items such as some jewellery, images within a photograph or video recording and data within a mobile phone or laptop memory. These items may be returned much earlier than unassociated items if the investigation allows.

Unassociated items tend to be much harder to place with an individual and may include items such as suitcases, clothing, toys, books, paperwork, etc. There may also be items that do not belong to an individual, such as a company’s cargo.

In both cases identifying the property may need to wait while other investigations such as inquests, health and safety inquiries, civil prosecutions and criminal trials are undertaken.

The unassociated property process

The agencies involved will then try to match the unassociated property with an owner. Whether and how this process is carried out will depend on factors such as the amount of property recovered and its condition. This process should be explained to you and you should feel free to ask any questions you wish about what is happening. You should be given the option to opt-in to any unassociated property process by giving your written consent.

A catalogue of photographs may be shown to those who have agreed to participate in order to make claims on property. Although this process should be carried out sensitively, it is still likely to be stressful. If you choose to do this, you may consider involving other family members, an experienced counsellor, or police officer. The catalogue will not usually include bank notes and coins, as these are dealt with separately. Whoever is guiding you through the process should be able to advise you on how this has been done.

The police or other agencies involved may ask for assistance from external companies who specialise in this work, but you have the right to be informed of the way in which this process will be conducted.

Personal property overseas

Where a disaster affects victims from more than one country, investigative procedures involving agencies such as embassies, consular departments and the Foreign & Commonwealth Office can be complicated by differing international systems. The return of personal property may be handled very

differently in other countries and there may also be logistical reasons why this is more difficult than after a disaster in the UK.

Your family liaison officer or other officials should keep you informed and up-to-date with ongoing developments and procedures.

There may be occasions where the return of unassociated items of property is contracted to recognised international couriers. In these cases, where the property has been requested to be returned, the recipients of the property may have to pay for the repatriation.

Multiple claims

Circumstances may arise where multiple claims will be made for an item of property in the catalogue and in this case agencies involved may ask for additional information such as receipts or photographs and will then make a decision on ownership.

Non-identification

You need to prepare for the possibility that none of the property that you wish to have returned will be found or identified. It may take many months, or even longer, before the agencies involved can be certain that this is the case.

Cleaning, laundering and repairs

Once property is ready to be returned you should be asked if you would like the items cleaned, laundered or repaired. It is your choice whether to have these done - except if such cleaning is necessary in order to identify an item - and agencies should not make assumptions about what you want. Property should also have been kept secure, to ensure that no well meaning agency or individual can clean or repair items before you have decided. There may be certain restrictions, depending on the nature of the disaster, and insurance companies may also impose restrictions on the amount of repair and renovation that can be done.

Standard cleaning products are likely to be used, although occasionally specialist products will have to be used for soiled items. Some of the chemicals used in this process may leave a strong residual smell, which may be upsetting. If you have a concern about this issue, you can raise it with the police or others involved.

Where possible, you should be offered the option of having property returned 'as is', which is the term used to describe as little intervention to the property as possible. Items returned cleaned or repaired when you have cherished them as slightly worn or damaged before the disaster may be distressing. The property will normally be dried out first if this is necessary and there may be very basic cleaning in circumstances where public health may be an issue, but little else will be done. During the investigations the property may have been labelled and kept in evidence bags, but these should be removed before you receive the property, unless you specifically ask to see them.

To decide on the process that you wish to have undertaken, it may be helpful to look at photographs first. You should feel free to ask for all the information that you need in order to make your decision.

Returning property to you

The property should be returned to you in a sensitive and professional manner. You can discuss the timing and how the property will be given to you, in order to make arrangements that best suit you. Depending on the circumstances of the disaster, there may be issues about the transportation of items that have been contaminated. The police or any other agency involved with the process should discuss this with you.

What happens to unclaimed property?

The process of property return may take many months, but even if a quicker conclusion is reached you have the right to expect unclaimed property to be securely stored for a further period of time. This is so that you can decide to revisit the process when you feel able. The timescale should be explained to you, and you should be given information about how the process will be concluded. Eventually unclaimed property will usually be securely destroyed (this will also be the case when property cannot be returned for public health reasons).

What happens now?

The circumstances of the disaster will determine how the property process is run and how complicated it will be. It may happen quickly or in some cases take years. This will mean that the way in which it unfolds can differ and you may find that you need help facing it. If you are the next of kin, consulting with family and friends, if possible, can be a great help at a time of such intense anxiety, as well as helping others who may wish to be involved in the process.

How can Disaster Action help?

From our experience, we know that many of the procedures set in place after a disaster can seem lengthy, bureaucratic and impersonal. We have found that talking with others who have experienced the same or other disasters, and are facing similar procedures, can be helpful. Although Disaster Action is unable to provide legal advice, we are familiar with the issues and can make suggestions about what you can do. Members of Disaster Action have experience of both UK and international disasters and their aftermath.

Disaster Action would like to thank all those involved in the writing of this leaflet.

Further Information

Support Groups and Caring Organisations

Useful Contacts

Further Information