

7 FAM 1890

PROPERTY AND PERSONAL EFFECTS OF U.S. CITIZEN VICTIMS OF A DISASTER

(CT:CON-142; 07-26-2006)
(Office of Origin:CA/OCS/PRI)

7 FAM 1891 PROPERTY AND PERSONAL EFFECTS IN DISASTERS

(CT:CON-142; 07-26-2006)

Many disaster situations carry with them the issue of what to do with the personal property of the victims.

7 FAM 1891.1 Definition

(CT:CON-142; 07-26-2006)

In general, in a disaster situation you should assume that personal property means all that the U.S. citizen has with him or her at the time of the incident. In transportation disasters, for example, personal property would include all clothing, jewelry, documents, negotiable instruments, luggage etc, whether actually physically with the person or in a baggage hold.

7 FAM 1891.2 Securing the Site

(CT:CON-142; 07-26-2006)

The local authorities have the responsibility for securing the site of a disaster, and protecting the personal property of both survivors and the deceased. You should push for early action by local officials in this regard, particularly when a plane crash or similar incident leaves baggage and other personal property strewn over a wide area.

7 FAM 1891.2-1 Using a Diplomatic Note

(CT:CON-142; 07-26-2006)

It is often valuable for post to have a pre-formatted, pre-cleared note verbal that can be delivered to the Ministry of Foreign Affairs (MFA) in the early hours of the crisis. The note should:

- (1) Request the host government to take all reasonable and prudent measures to safeguard the personal property of the victims of a

disaster;

- (2) Outline consular responsibilities under the Vienna Convention on Consular Relations as they apply to the personal effects of deceased U.S. citizens or nationals;
- (3) Stress that consular officials or other embassy personnel have no blanket authority to accept the property of American survivors for safekeeping or transmittal; and
- (4) Assure the Host Government that the post will be doing everything possible to assist them in returning effects to survivors or next of kin.

7 FAM 1891.2-2 Company Representatives

(CT:CON-142; 07-26-2006)

In certain situations, such as an airline crash, the company may also have a responsibility and vested interest in securing the site and safeguarding effects. You should consult with their representatives on the scene and if possible include them in discussions with the local authorities.

7 FAM 1891.3 Personal Effects of Survivors

7 FAM 1891.3-1 Policy

(CT:CON-142; 07-26-2006)

Consular officers do **not** have statutory authority to accept the property of U.S. citizens for safekeeping, except in three instances:

- (1) When acting as the provisional conservator of the estate of a deceased U.S. citizen (22 U.S.C. 4195 - 4197; and see 7 FAM 200 and 7 FAM 600);
- (2) When taking custody of the effects of a deceased U.S. citizen seaman (46 U.S.C. 621, 622, 624); and
- (3) When taking jurisdiction over a U.S. disaster at sea (46 U.S.C. 721).

7 FAM 1891.3-2 Don't Accept Property of Living Citizens

(CT:CON-142; 07-26-2006)

In crisis situations where the post itself may ultimately be evacuated, the Department will **seldom if ever** authorize post to accept personal property from living U.S. citizens or nationals. (See 7 FAM 620).

7 FAM 1891.4 Identifying Property

(CT:CON-142; 07-26-2006)

In a disaster situation, it is often difficult to match possessions to individuals, deceased, or living. While the host government has the initial responsibility, you should be proactive in attempting to identify possessions of U.S. citizen or national victims.

7 FAM 1891.4-1 Property of Survivors

(CT:CON-142; 07-26-2006)

- a. As soon as practical you should interview survivors and provide them with a form to complete describing their personal effects.
- b. If a survivor's medical condition prohibits discussing property, enlist the assistance of the next of kin (NOK) or other appropriate family member to provide this information.

7 FAM 1891.4-2 Property of the Deceased

(CT:CON-142; 07-26-2006)

- a. As soon as practical, the Department will contact NOK or appropriate family members in the U.S. and have them complete a description of the personal effects.
- b. Often family members will have departed the U.S. for the disaster site, in which case post should interview them directly concerning personal effects.

7 FAM 1892 SAFEGUARDING PROPERTY OF THE DECEASED

(CT:CON-142; 07-26-2006)

7 FAM 260 outlines your authority to serve as temporary conservator of the estate of a deceased U.S. citizen or national, and to safeguard and transmit their personal effects. Effects of the victim of a disaster are handled in the same way, with some special concerns and considerations as outlined in the following.

7 FAM 1892.1 Host Government Retention of Effects

(CT:CON-142; 07-26-2006)

Your function as temporary conservator in a disaster situation does not

begin until host government authorities release the effects. Often they will hold baggage and personal effects:

- (1) Until they have completed the process of identifying the victims;
- (2) As evidence during any investigation into the cause; and
- (3) Because certain property may cause a health hazard and will need to be destroyed.

7 FAM 1892.2 Effects in Multiple Death Cases

(CT:CON-142; 07-26-2006)

Often when a tragedy results in multiple deaths, it is not possible to identify all of the effects as the property of a particular individual. In such event, you should prepare a separate inventory of the unidentified effects.

- (1) The names of all of the decedents should appear on the joint inventory to reflect that the articles have not been segregated as belonging to a particular decedent.
- (2) The joint inventory should describe in as much detail as possible each item that has intrinsic value.
 - (a) Do not include unidentifiable articles, such as pieces of clothing.
 - (b) If possible, take photographs, preferably in digital format, of distinctive items, such as jewelry.
 - (c) Do not include items of nominal value that may cause embarrassment or additional sorrow to relatives (e.g. burned, bloodstained, mutilated, obnoxious, or obscene items).
- (4) A copy of this inventory should be provided to the Task Force or to CA/OCS so they can assist you in identifying the contents
- (5) Copies of this blanket document should **NOT** be provided to the families concerned. Rather it should be held at post as a working document, and cross-referenced against individual inventories and descriptions provided by each family.

7 FAM 1892.3 Host Government Inventory

(CT:CON-142; 07-26-2006)

Often the host government, while retaining the personal effects, will provide an inventory to post and/or to families. This should not substitute for your own inventory. Experience has shown that preliminary inventories prepared by foreign authorities unfamiliar with American terms for articles of clothing, etc., may have the following problems:

- (1) Items wrongly described;
- (2) Items missing from the list;
- (3) Extra items in boxes not listed on inventories;
- (4) Clothing described as one color on the list that changed color after washing;
- (5) Articles described too precisely, such as type of shirt (everyone's idea varies, so shirts should simply be listed as shirts); and
- (6) Foreign terminology may differ when describing individual items, including terms unknown in the United States.

7 FAM 1893 PERSONAL EFFECTS AND THE FAMILIES

7 FAM 1893.1 Perceptions

(CT:CON-142; 07-26-2006)

Property identification and recovery rank very high in the minds of next-of-kin and other family members, not just because of intrinsic worth, but for their sentimental value as well. You need to be sensitive to their concerns in your dealings with them during the crisis, particularly those who have arrived at the scene.

- (1) Often, grieving families need to see the personal effects to help them accept the reality of the loss of a loved one.
- (2) It is not unusual for family members to fix their attention, sometimes to the point of obsession, on the recovery of a certain item that they conceptualize as their "connection" to their loved one.
- (3) Family members who do not have the remains of a loved one either because the body is missing or not yet identified, often challenge the reported death as a "mistake." In their minds, the absence of clothing, jewelry and other personal items are further proof that their loved one may still be alive.

7 FAM 1893.2 Briefing Family Members

(CT:CON-142; 07-26-2006)

You need to keep the recovery, identification and return of personal effects a significant part of your communications with family members. You should try to cover the following points in your telephone conversations or daily oral

briefings of the families:

- (1) Outline the host government's plans to recover, identify, and return personal effects;
- (2) Make certain families understand that some effects may never be recovered;
- (3) Prepare them for a long waiting period, particularly if the circumstances are such that the host government may hold all recovered items as possible evidence in an ongoing investigation;
- (4) Give them an active role by having them complete forms describing various personal effects they believe the deceased or missing had on them or with them.;
- (5) Caution them that some items, although recovered, may have to be destroyed by local authorities because they are contaminated;
- (6) Ensure they understand that they have options regarding the disposition of recovered items - some can be returned, others destroyed or donated;
- (7) Explain that the effects may be in disturbing condition, and suggest they consider having items returned through a third party - a close friend or attorney for example;
- (8) Warn that there may be identical claims by more than one family. Luggage pieces are often identical, and one piece of scorched jewelry may look very much like another; and
- (9) Outline in advance the entitlement process; provide them with affidavit forms and instructions.

7 FAM 1893.3 Taking Possession of Personal Effects

(CT:CON-142; 07-26-2006)

Once you are in possession of the personal effects, which could be shortly after the disaster, months later or in small amounts over a period of time, the general guidance in 7 FAM 260 applies, except as noted below:

7 FAM 1893.3-1 Next of Kin (NOK) Affidavits

(CT:CON-142; 07-26-2006)

- a. If you are satisfied that you have identified the next of kin (NOK), normally you should release the effects upon receipt of an affidavit stating the relationship and providing guidance regarding the disposition of each item.

- b. If there is more than one relative with equal standing as NOK, you may act upon affidavits from all indicating agreement as to disposition of the effects.
- c. If the NOK is in the US, you may have them send the affidavit to the Department (CA/OCS/ACS). CA/OCS/ACS will fax you a copy and you may act on that faxed copy.
- d. If you encounter items of significant value among the effects, or if there seems to be any conflict among family members as to entitlement, refer the case to the Department immediately. The Department will contact the parties and usually request either:
 - (1) Letters of Administration: An official statement, issued by a court, which authorizes a person to administer the estate of the person who:
 - (a) Dies intestate;
 - (b) Makes a will without naming any executors,;
 - (c) Names an executor who is incompetent or refuses to act; or
 - (d) Names an executor who is now deceased.
 - (2) Letters Testamentary: An official statement issued by a court authorizing the executor named in the will to administer the estate.

7 FAM 1894 RETURNING THE EFFECTS

7 FAM 1894.1 Through the Transportation Company or Crisis Management Company

(CT:CON-142; 07-26-2006)

In certain types of disasters, most notably commercial airline crashes, the airline assumes the responsibility for identifying and returning personal effects.

- (1) Most commercial airlines have contracts with companies that specialize in this type of disaster assistance. (See 7 FAM 1830).
- (2) Normally, the contractor will attempt to photograph all personal property of value, and develop a catalog that they will send to the families to help in identifying personal effects.

For example:

Kenyon International Emergency Services
Family Enterprise Inc. (FEI)

7 FAM 1894.2 Directly To NOK Or Representative

(CT:CON-142; 07-26-2006)

In a disaster, you will generally be returning a large amount of effects to several families. It is important that you set up a dependable and safe system for shipping effects back to the NOK. See 7 FAM 266 for detailed instructions. Shipment of personal effects is done at the expense of the family unless otherwise provided for by a transportation company, etc.

7 FAM 1894.2-1 Packing Personal Property

(CT:CON-142; 07-26-2006)

- a. You will need boxes, gloves, coveralls, cleaning materials, a place to work, and a place to store everything.
- b. If you need strong boxes that are not locally available, ask the Department for help.

7 FAM 1894.2-2 Shipping Effects

(CT:CON-142; 07-26-2006)

- a. Be certain you track where the effects have gone.
- b. Use the fastest available method of shipment.
- c. Be prepared to have to send the effects in different phases, as effects are identified and /or released by local authorities.
- d. In returning the effects, please include an appropriate letter of condolence.
 - (1) The letter should be prepared on post letterhead and signed by the head of the consular section; and
 - (2) It should be individually prepared and signed. Posts may use the language samples given in 7 FAM 200, modified appropriately.

NOTE: The standard mission "With the Compliments of..." Card is NOT appropriate for this purpose. See 7 FAM 1830 Aviation and Other Transportation Disasters.

7 FAM 1895 THROUGH 1899 UNASSIGNED