

# The meaning of 'things': The evolution of an ethic of care in the return of personal effects after disaster 2001–2019



**Lucy Easthope, LLB MSc FHEA FRAI FEPS**

Senior Fellow, Cabinet Office Emergency Planning College

Research Fellow, Centre for Death and Society, University of Bath

Research Affiliate, Joint Centre for Disaster Research, Massey University, New Zealand

Director@whatevernext.org.uk

**Abstract:** The right to the return of personal effects belonging to loved ones after sudden death requires both protection and promotion. It is a fragile 'right' that can easily be undermined, and may require support from policy and legislation. The author has championed the return of personal effects after bereavement throughout her career in disaster response and was influenced by early examples of poor treatment and destruction. This article provides an evaluation of the historic picture and a reflection on the ongoing work to ensure that property is protected and restored. It also discusses whether the UK now has an 'ethic of care' in this area. This piece considers a number of recent case studies drawing on the author's own experiences of working on incidents between 2001 and the present day, with specific examination of the work of the Metropolitan Police's Property Restoration Team in 2005.

**Keywords:** Personal effects, property, disaster, mass fatalities

## Introduction

*'I remember the day that the package arrived. I knew what it was... they put it in the front hall and I left for the day. We all came back that evening and the house was filled... with this smell, and it was a combination of disinfectant, jet fuel and mildew, very distinctive smell that in some ways was offensive but in another way it was filling the house with whatever was left with Alexia in some way'* (Lockerbie: My Trial, Channel 4 Television, May 2000).

I first used this quote 12 years ago when writing about the return of personal effects after death in disaster (Eyre & Payne, 2006).<sup>1</sup> It was spoken by a family who had lost their daughter in the Lockerbie air disaster in 1989. They then waited a decade for the return of these items and this quote is powerful; summing up the importance and ambivalence when these precious items are returned.

I use *personal effects* in that article as a very broad term to describe items that belong to a deceased individual that may be returned to a bereaved family.<sup>2</sup> This may be soon after death or as the result of evidential processes and legal wrangles may be many years later.

In other writing I have gone further to discuss the impact of the loss of items, 'the furniture of self' from the home for living people after flooding and I am asked to write regularly for the media on the 'meaning' of everyday, *ordinary*, items that may have huge sentimental value (Easthope, 2018). Personal effects after sudden death have in my practice experience had a particular importance to bereaved friends and relatives, as I discuss in the piece.<sup>3</sup>

<sup>1</sup> Writing as Lucy Payne, before my marriage in 2007.

<sup>2</sup> Exactly who receives the personal effects may be problematic; in the UK this is usually the next of kin and may end up being managed by the police, coroners and solicitors. It is an area of frequent dispute.

<sup>3</sup> I am an experienced disaster responder who has specialised in the return of personal effects to bereaved families for almost two decades.

As well as 'things' that, in life, we might have kept close such as a watch or a wallet, it can also be extended much further to include objects found at a deceased's home after a major incident or in their luggage. This could include items that are found on a person such as a ring, watch, toys, or their clothes. It can then be further categorised as *associated* and *unassociated* items; items that can be readily and with some confidence identified to an individual such as a wallet full of bank cards (associated) and those that cannot (unassociated) such as a generic item of clothing recovered at the disaster scene.<sup>4,5</sup> The item may have little or no monetary value but may mean everything to a grieving family; or to a survivor struggling to make sense of terrible events. I have written previously about being overwhelmed by claims from bereaved relatives for a single biro pen with its end chewed; while receiving no claims for a Rolex watch retrieved from the same air crash.

*'It was heart breaking to think that all around the world (this was an air crash involving numerous nationalities) there were people thinking "I remember him/her with that pen, just chewing on it as they thought".'* (Payne, 2008)<sup>6</sup>

The return of a passport or an item of jewellery usually worn every day has, in my experience, slowly started to convince a family that their loved one really is dead. This is important when the family has chosen not to see the body of the deceased (or when there is no body, or in some cases they have been actively or effectively discouraged from viewing) due to the level of injuries, and this has left them with lingering questions about their involvement.<sup>7</sup>

Much of the work on disasters and personal effects has focused on complex transportation disasters, which may generate overwhelming volumes of personal effects. However I am keen to encourage the same '*ethic of care*' to be applied to all loss. The same principles and procedures can be applied to incidents involving single

fatalities (such as road traffic accidents, violent crimes or workplace accidents). The '*ethic of care*' is relevant to so many different responders: hospital workers, bereavement specialists, forensic scientists, police personnel, emergency responders; all those working with the survivors and bereaved of sudden and violent incidents.

Practically, I use '*ethic of care*' here in an operational way that was espoused by myself and other colleagues when working in 2007 in the aftermath of devastating floods in the UK. People lost the entire contents of their homes (Whittle et al., 2010). We wished to encourage all disaster responders, from a multitude of agencies, to build consideration of the affected party into all that they did, and design it into every process.

Crucially, without an '*ethic of care*' from all responders toward personal effects, the items are highly vulnerable and have in the past been removed to landfill or incinerated. I campaign that response plans should therefore aim to prioritise personal effects with a principal aim to identify, locate and restore personal property in a timely and accurate manner that allows survivors and bereaved to make as many of their own choices as possible. It has been particularly positive recently to see responders put their training into practice by placing personal effects care high up in their initial response; during a recent overseas air incident where scene conditions were particularly fraught the personal effects were given high priority alongside the repatriation of the bodies. This was in contrast to the criticism of the UK government's response to the Indian Ocean tsunami in 2004 where some items were lost and destroyed (NAO, 2006). Pre-existing knowledge of the importance of personal effects is vital here, as once responders are responding to other aspects of the incident it is often too late to safeguard the items.

## Historical examples of the return of personal effects (PE)

For hundreds of years, the recovery and return of personal effects has been a feature of the management of a mass fatality disaster. Examples included the ocean liner SS Schiller which set off from New York to Hamburg, Germany, in 1875. Nearing her first stop in the region of the Isles of Scilly, she hit rocks and subsequently sank with the loss of 335 lives (Austin, 2001). On 18 July the New York Times carried a piece entitled '*Recovery of the personal effects of the victims*' in which it outlines how PE relating to one particular individual had been transported to Hamburg for the Hamburg-American mail steamers to ferry back to the United States (Buxton, 1875).

After the RMS Titanic sank in April 1912, the same newspaper on 2 May 1912 reported that '*in the minds of the White Star people* [owners and operators of the ship], *there was more concern about confusion surrounding the claiming of personal belongings than there was of any*

4 Throughout the field of emergency and disaster management the terms 'Personal Effects' and 'PE' is generally used as the acceptable, or working term. However, other terms are used. These include personal possessions, personal belongings, personal property and valuables.

5 Associated items are not always what they seem and responders are trained by me to be wary of making assumptions about ownership of personal effects. I address issues of misidentification and error in this article: Osborn, D. and Easthope, L. (2018) *Identification of the incapacitated patient in mass casualty events: An exploration of challenges, solutions and barriers*. Disaster Medicine and Public Health. June.

6 Author writing as Lucy Payne, before my marriage in 2007

7 Protecting the right to view the body after traumatic death if wanted by families is also an area that requires championing, support, resourcing and awareness. See [www.disasteraction.org.uk](http://www.disasteraction.org.uk) and Eyre, 2002; Eyre, 2004 and Chapple, A, and Ziebland, S. (2010) Viewing the body after bereavement due to a traumatic death: Qualitative study in the UK. *British Medical Journal*, 340:c2032.

*confusion regarding the misidentification and wrongful claiming of human remains*' (New York Times, 1912).

Over time the process of management and return of personal effects after transportation disaster has become formalised through agreed protocols. It makes sense that this was an area of innovation and early interest as people travel with large amounts of personal items. Kinetic forces within air and train crashes also mean that disruption to bodies, personal effects and wreckage present a substantial challenge to responders. The US Congress passed the Aviation Disaster Family Assistance Act (1996) and the Foreign Air Carrier Family Support Act (1997) which address the many issues affecting the bereaved and survivors following an aviation disaster. In reference to PE, the 1996 document states that air carriers should offer, *'An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the air carrier. (Aviation Disaster Family Assistance Act 1996, p.712).*

These acts took responsibility away from the airlines and brought it into the public domain of the National Transportation Safety Board (NTSB). Until this point, the onus was on airlines to act in a responsible manner. The catalyst for the American aviation legislation included the experience of the bereaved after the crash of Air Flight 427 to Pittsburgh in 1994. Family members who visited the wreckage of the crash discovered a number of 'trash bins' filled with both human remains and personal effects (Walsh, 1999).

### **Development of a UK position: from an initial lack of protection to a recognised requirement**

It is fair to say that in the past, the UK's approach to personal property restoration has afforded differing standards to the bereaved as regards their right to make an informed choice (Eyre & Payne, 2006). This has resulted in 'blanket decisions' being made to destroy property, usually under the guise of health and safety concerns due to contamination or assumptions being made that it would be too distressing for items to be returned (Easthope, 2008). If property was restored, there is evidence that this was conducted in an inconsistent manner (Eyre & Payne, 2006).

The mistreatment and destruction of personal effects was a major theme in criticism of the state response to a series of disasters in the 1980s to 2001 in the UK. As McGarry and Smith (2011, p. 106) observe, *'Experience in the UK has shown that failure to respond appropriately in the immediate aftermath of a traumatic event can leave scars on families and communities that may never heal. There is a need for all agencies to respond at the highest possible level of efficiency and compassion'*.

By way of contrast, in the weeks following the fatal Grenfell fire in a housing tower block in north west London in June 2017 it was heartening to see personal effects explicitly identified as an agenda item for both the police and the scene management teams.<sup>8</sup> A private contract was put in place to ensure that they were salvaged, protected and restored and advice was sought from me. Thousands of items were retrieved from the flats and items were also recovered from the bodies of loved ones (BBC, 2018).

This has built on an *'ethic of care'* for personal effects that has developed, incident by incident, in the UK but also mirrors international development and progress. The cultural shift would appear to be due to a growing appreciation of the meaning and significance of personal effects that has also been given impetus by the experience, learning and education shared by those with direct experience as bereaved people and responders involved in mass fatality incidents in the intervening years.

### **Role of experience, understanding and education**

*'For the bereaved, personal property may be the last link with their loved one. It represents an ongoing commitment with their last moments and the place and manner in which they died.'*(Eyre & Payne, 2006, p.35)

For both survivors and bereaved families after sudden death, items of property can be of totemic significance. Property may have an emotional, cultural or other symbolic significance (Jensen, 2000; Eyre & Payne, 2006) such that families may wish not only for it to be returned, but also in some cases be buried or cremated along with the body. The actual item itself is important; some relatives will display or wear the item, and I have regularly worked with families who place it in a memory box. They may play a vital role in an individual's bereavement trajectory and also help them with coming to terms with their loss. As discussed they also may help a family to comprehend that their loved one is likely to have been involved when no body has been returned. Furthermore, with specific reference to the experiences of the relatives and survivors campaigning after sudden death in disaster the personal effects also became part of a wider issue relating to informed choice, rights and a power battle with authorities over paternalism and a lack of choice.<sup>9</sup>

When working in response I have often had to 'fix' the mistakes already made by policing or local government agencies, and frequently encounter huge local, national and international disparity in approach. There has been a postcode lottery for families after traumatic death; some families received their loved ones' effects but at other

<sup>8</sup> Easthope, L (2017) Private correspondence with Grenfell Site Management Team.

<sup>9</sup> Eyre, 2002, explores this aspect in detail.

times they would be told they had been lost or destroyed even when this was not necessarily so or even known not to be the case.

Sometimes items would be laundered and repaired without any consent while at other times families would be fully consulted on what they wanted to happen. Some police forces thought about the most appropriate way to return items and others did not: being presented with a black bin liner and a form to be filled in gives one message; receiving a carefully prepared package accompanied by a few thoughtful words gives another (Eyre & Payne, 2006, p. 35).

Following their often problematic experiences of disaster management, including the return (or not) of personal effects, bereaved relatives and survivors from various disasters formed *Disaster Action* (DA) in 1991. The mass fatality incidents they were bereaved by included the Herald of Free Enterprise ferry disaster (1987), the Kings Cross Station fire (1987), the Lockerbie Pan-Am flight bombing (1988), and later the Southall and Ladbroke Grove train crashes (1997 and 1999 respectively), the September 11 terrorist attacks (2001) and the Bali bombings (2002 and 2005). Though remaining a small charity DA evolved into an influential independent advocacy organisation over the following decades, working to promote a shift in attitudes towards informed choices, greater communication and better treatment of the deceased bereaved and survivors, including around the return of personal effects.

This rights-based approach, pioneered by Disaster Action, in all of their advocacy work, is one of the most important considerations for the personal property restoration process; vital for minimising further trauma by encouraging the inclusion of the survivor or the bereaved family in the decision-making process (Birch & Herrington, 2011) and contributing to the bereavement process. As Hodgkinson and Stewart (1998, p. 35) observe, 'The return of property assists the bereaved in accepting a loved one is dead... it assists in progress of resolution where there is doubt or denial re identification'. A turning point for the more formalised and indeed recognised need to care for personal effects was the creation of a leaflet by *Disaster Action* and me. This can now be freely downloaded from a website and shared.<sup>10</sup> Tools like this have vital importance when developing a new ethic of care in bereavement practice; they allow new thinking and new campaigns to travel as well as directly influencing understanding and practice.

### The care of personal effects within a response: 7 July 2005 case study

Following the terrorist attacks in London on 7 July 2005 the UK Metropolitan Police formed a Property Restoration

Team under the Anti-Terrorist Branch (now known as the Counter Terrorism Command).

As soon as the scale of the personal effects task became clear the Metropolitan Police sought advice from within their own service; from *Disaster Action* and from me.<sup>11</sup> They were keen to take heed of criticism received and lessons learned from Operation Bracknell (the response to the 2004 Boxing Day tsunami) and the Association of Chief Police Officers (ACPO) Family Liaison Strategy Manual (2003). Despite personal property restoration being recognised in some police training, a reflection from responding officers (then and now) was that it still failed to adequately address the practicalities of actually setting up and running a Personal Restoration Team. It was important for the police and other agencies to avoid assumptions about what families may or may not have wanted returned. Those affected should always be asked if they wish for items to be returned, as well as whether they wish property to be professionally cleaned, laundered or repaired (Jensen, 2000; ACPO, 2003).

Police family liaison officers (FLOs) who are serving detectives were used as intermediaries between the Property Restoration Team and the survivors and bereaved families. Having already formed these links at early stages of the investigation they were able to gauge how best to approach the bereaved and survivors as regards the restoration process. This avoided unnecessary duplication of work and the potential of further anguish.

In some cases the bereaved relatives felt unable to open the cardboard box of personal belongings to confirm that the contents matched with the restoration receipt they were required to sign. It is a common reaction for families to want to wait and take time rather than comply with an external agency's timetable.

In my experiences the FLOs were able to check the contents on behalf of the family, thus minimising any further upset. They would also describe the contents first and use photographs of the items if requested. This had parallels to the way that many police forces now approach the issues of viewing the deceased's body after sudden death and the showing of paperwork and CCTV to families.<sup>12</sup>

### The property cleaning process after 7 July 2005

Most property recovered from the four bomb scenes in London was badly damaged, burned and contaminated.

<sup>10</sup> [www.disasteraction.org.uk/leaflets/the\\_return\\_of\\_personal\\_property](http://www.disasteraction.org.uk/leaflets/the_return_of_personal_property)

<sup>11</sup> There was a high volume of personal effects generated from the deceased person and the belongings that they had with them on the tube train. The Metropolitan Police also ensured that care and consideration was given to any effects provided by families to help with the identification process such as items that could provide a DNA sample such as a toothbrush.

<sup>12</sup> For further discussion of this aspect see Mowll, J., Gillian Adams, G. and Darling, J. (2017) Facilitating access to scene photographs and CCTV footage for relatives bereaved after violent death. *Bereavement Care* (36) 1, 11–18)

Survivors and bereaved families completed forms to confirm their wishes; this included consideration of issues such as return, destruction and further cleaning. A company was identified to assist with the cleaning process and all staff involved were security vetted. A second commercial provider, expert in the recovery of documents damaged through fire, flood and maritime disasters, was contracted to specifically assist with restoring documents.

The turnaround time was usually 48 to 72 hours, depending on the quantity and nature of the property. For instance, leather would be more time consuming as it had to dry naturally rather than by using driers. The process would involve a decontamination process by spraying the property with a special chemical. Once the items were cleaned they were collected by the police teams.

It was recognised that contaminated items may need to be 'made safe' eg through the application of a topical disinfectant, but families were consulted on this. There are of course occasions when it is too unsafe to return any items such as where chemical or biological contamination is so severe. However I have been very aware of over-zealous use of issues such as contamination by police forces to explain the blanket denial of a right to personal effects in previous incidents so have campaigned repeatedly to ensure a middle ground is found. Detectives were open with families about items that needed to be destroyed.<sup>13</sup>

### **Continuing the 'ethic of care' when returning property**

When preparing the *Disaster Action* leaflet I was supplied with hundreds of testimonies from bereaved families, with both experiences of disaster or the loss of a loved one as a sole fatality, who had received their property without any thought or consideration. The Metropolitan Police team in 2005 paid particular attention to this aspect. They ensured that all reference or exhibit numbers on packaging were removed and that the items were restored in plain unmarked boxes. A further consideration when negotiating a return date with families was the significance of certain dates, such as anniversaries or special dates for family members.

Some survivors and family members did not wish for the return of their property and were given time to make this decision. A property disclaimer was devised, to be signed by the relevant party. The property was then incinerated by the commercial cleaning company. For outstanding, unidentified property, individuals could be invited to view it, either via a password protected website or a display hosted in a hotel conference room. This second suggestion allowed the relevant support agencies to be on hand in a neutral environment. The restoration of mobile phones and electronic storage devices proved to be particularly

problematic, and 2005 gave us a taste of the challenges that we would see in the following 15 years. In the case of the London 2005 terrorist attacks, a high percentage of mobile phones had been treated for DNA analysis and as a result of chemical treatment could not be restored, on the agreement of the owner/family, due to health and safety concerns. Where possible, text messages, directories and images were downloaded from the phones creating a 'download report', transferred onto a computer disc, and thus into a format where content could be restored.

### **Carrying these lessons forward**

After the 7 July response, principles within the Metropolitan Police's programme Property Restoration Team were then supplied to responders working on the loss of various aircrafts including Flight MH17 over the Ukraine in 2014, the UK Home Office and a number of exercise directors testing UK responses to major/mass fatality incidents. I continue to deliver training on this issue internationally. New challenges emerge all the time. For many of the more recent incidents 2005–2019 issues have emerged with regard to smartphones and tablet computers, and even body-worn technology. Advancements have seen the provision of the contents of the device, such as photographs and albums to family members, even if the physical casing had to be retained or was badly damaged. On one of my first responses I remember arguing with a corporation to allow the family access to a folder of family photographs that were stored on a company laptop. Now there is much greater awareness of issues such as an individual's digital legacy and I train responders on this aspect specifically.

### **Enshrining care within international protocols and legislation**

For an 'ethic of care' to be protected clear guidance and training along with an internationally shared approach has proved to be vital. UK progress for producing formalised codes has been slow in the public sector, although several police forces include it in local protocols and airlines and train companies often have well-developed plans and a contractor in place. Internationally, there is a more formalised picture emerging. The protocols and best practices that the US NTSB has laid down include instructions for how a search for PE should take place. For example, when its personnel are recovering PE from a scene, the NTSB states that those personnel should search twice the distance and depth of the location of the farthest item found. This unambiguous directive makes it clear that the recovery of PE must be carried out in a systematic and methodical manner. In 2008, the NTSB's Office of Transportation Disaster Assistance produced a document titled Federal Family Assistance Plan for Aviation Disasters

<sup>13</sup> For example a battery from an electronic item which is now damaged, corroded and leaking acid.

which has, as one of its mission tasks, 'to provide for the return of personal effects' (NTSB, 2000, p.7).

For global incidents, the International Civil Aviation Organisation (ICAO, 2001) produced a guidance document for survivors, deceased and their families, which, while expressing the need for personal effects to be returned to families, does not provide specific detail as to how this should be carried out. The care of personal effects is also growing in prominence in law enforcement documentation where at last the importance of personal effects is recognised beyond their role and importance as evidence. In 2012 the US Federal Bureau of Investigation produced a document titled *Information for Friends and Family* designed to assist friends and families following an aviation accident. A brief description is provided of what happens to PE and the fact that it should be returned to a bereaved family as soon as possible is highlighted (Federal Bureau of Investigation, undated). In Interpol's latest Disaster Victim Identification material (2014), it is encouraging to note the defined approach to personal belongings. It refers specifically to a property management function. However, in attempting to bring uniformity to the process, it does acknowledge that the legal and ethical responsibilities will vary from jurisdiction to jurisdiction.

## Extending the 'ethic of care' to responders

The role of a property restoration officer is emotionally challenging (Jensen, 2000) due to the exposure to traumatised bereaved individuals. As Eyre and Payne (2006, p. 37) assert, '*Education on psychological and emotional reactions should be core to training*'. There continues to be no formal training courses for police officers involved in the restoration of personal property after disaster. I now run a number of workshops to support responders in this work. Experienced funeral directors and anatomical pathology technologists remain an excellent source of practical advice on issues such as cleaning and return. There is still more work to do in this area of practice and there are still no nationally recognised guidance documents for responders specifically on the issue of the return of personal effects after sudden death, despite a draft remaining unpublished at the UK Home Office since 2011.

Furthermore for sudden death in homicides, road traffic collisions etc the author frequently encounters anecdotal testimony that the situation remains inconsistent and arbitrary. In recent years, concerns have been also raised about the care of personal effects in hospital wards and emergency departments after the death of their owners.

## Conclusions

In both the UK and internationally there is evidence of a slow development of an 'ethic of care' in the management and return of personal effects after disaster. This article has

brought light to the many challenges and constraints in this area, while espousing the importance of placing personal effects high up in the response agenda.

The complex needs, interests and wishes of the survivors and the bereaved in aviation disasters, terrorist attacks and other disasters involving mass fatalities are often being heard, but remain vulnerable and easy to mute. Following the 7 July 2005 terrorist attacks the property restoration operation was an example of positive developments especially in relation to communications and liaison, providing honest and accurate information at every stage and ensuring a sympathetic and caring approach throughout.<sup>14</sup>

Over the last 20 years I have encountered many people who were bemused as to why the Metropolitan Police Service, or other agencies, should commit so much time, money and resources to such an operation. I have frequently faced questioning, concern and even ridicule from response colleagues who have stated that budget, procedural and ethical constraints would force them to dispose of personal property regardless of a family's wishes.

On reflection, after decades of campaigning for protection of personal effects, I maintain the view that the restoration of personal property to the bereaved has such an emotional and symbolic significance that to think otherwise is a fundamental flaw in any response. It is vitally important that all those involved in bereavement work are made aware of the meaning of personal effects after sudden and traumatic death. Once lost, they can never be retrieved. ■

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<sup>14</sup> This is an adaptation of the key principles that should be followed by responders after mass fatality transportation incidents as expounded by Lord Justice Clarke in 2001. See Clarke, The Lord Justice. (2000). *Thames Safety Inquiry: Final Report* (Cm 4558), London: HMSO.

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