

RDG Guidance Note: Post Incident Management of Personal Effects

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About this document

Explanatory Note

The Rail Delivery Group is not a regulatory body and compliance with Guidance Notes or Approved Codes of Practice is not mandatory; they reflect good practice and are advisory only. Users are recommended to evaluate the guidance against their own arrangements in a structured and systematic way, noting that parts of the guidance may not be appropriate to their operations. It is recommended that this process of evaluation and any subsequent decision to adopt (or not adopt) elements of the guidance should be documented. Compliance with any or all of the contents herein, is entirely at an organisation's own discretion.

Other Guidance Notes or Approved Codes of Practice are available on the [Rail Delivery Group \(RDG\) website](#).

Executive Summary:

This Guidance Note provides advice on how personal effects recovered from incident sites should be managed. It addresses both the logistics of collecting, storing and identifying such items and the challenges associated with their return. The latter, particularly in the event of a fatality, may be extremely emotive for family members and hence needs to be handled with appropriate sensitivity.

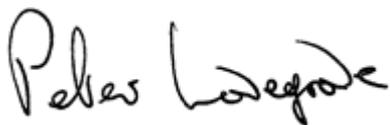
Issue Record

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<u>3</u>	<u>February 2022</u>	<u>Updated following periodic review and reformatted to comply with latest RDG template. Title changed from 'Post Incident Management of Personal Property' to 'Post Incident Management of Personal Effects'.</u>

This document is reviewed on a regular 3 yearly cycle.

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1 Introduction, purpose and scope

1.1 Introduction

Any major rail incident will result in those involved potentially being separated from their personal effects. This may be as a result of being removed from the site in an injured state by the emergency services, the need to leave the scene quickly and unhindered by belongings to get to a place of safety, having items such as jewellery removed prior to medical treatment or items simply becoming lost. Other personal effects will be found on or with those who have died.

It is recognised that each railway undertaking operates differently (albeit there will be similarity in the way tasks are approached and managed) and this Guidance Note does not seek to provide a definitive direction or obligation on how an individual Train Operating Company or Network Rail manages this task.

However, there are particular issues regarding personal effects and their return which must be recognised. Other organisations, such as the British Transport Police (BTP), have certain obligations in relation to such items and, beyond this, may have an interest where items have the potential to provide evidence or intelligence relevant to any police investigation.

1.2 Purpose

The purpose of this Guidance Note is to provide basic information to railway undertakings on the principles to be adopted for the return of personal items and property – generically referred to within this document as personal effects – to owners, their next of kin or legal representative once it has been recovered from site in the aftermath of an incident.

The starting point for this needs to be an appreciation of the challenges presented in such cases.

In part these comprise the logistical challenges associated with the recovery, storage and identification of what may be a large number of such objects, some of which may be extensively damaged or soiled. It is recommended that processes be established to manage these elements, including the provision of appropriate resources, and that these be documented or referred to within company emergency plans. These are discussed further in Sections 5, 6 and 7 of this Guidance Note.

The subsequent return of personal effects to their owners or, in the case of fatalities, next of kin, presents a different set of challenges. In many cases, particularly if personal effects are required by the authorities to be retained as evidence to support a criminal prosecution or incident investigation, its return will be significantly delayed - a year or more is not uncommon. There may also be issues in identifying who the rightful recipient is, for example if two or more families claim the same item. Indeed, the process of returning personal effects is fundamentally linked to the process of determining those involved in the incident (whether alive or fatally injured) and/or their families. Without knowing who may be entitled to claim, the process for returning personal effects cannot be initiated.

The return of personal effects when it does take place is likely to be particularly emotional for those receiving them. As a minimum, it will be a reminder of the incident and may act as a trigger for those involved to relive it, while for bereaved families, receiving an item a loved one had with them at the moment of their death is likely to be particularly poignant. The vast majority of railway undertakings have in place Incident Care Teams which comprise teams of specially selected volunteers who provide practical and emotional support to those whose lives have been changed as a result of major rail incidents. Incident Care Team members have received special training in how to handle such situations with sensitivity to the needs and wishes of those concerned and it is highly recommended that they be involved in the process for returning personal effects in all cases where the incident was traumatic and hence there is the possibility of triggering an emotive response.

As stated in Section 1.1, it is not the intention of this guidance to provide a definitive way in which railway undertakings should organise and action the return of personal effects but to highlight the more important aspects to be considered when planning for this task.

1.3 Scope

This guide is produced for the benefit of all member organisations of the RDG Train Operators Operations Scheme.

Those parts of it concerning the recovery, storage and identification of personal effects (Sections 5, 6 and 7) are of particular relevance to those responsible for emergency planning while Section 8 on return of personal effects is particularly targeted at those with responsibility for the humanitarian assistance elements of the incident response (as provided by Incident Care Teams). It is, however, recommended that both audiences familiarise themselves with the full content of the document.

2 Definitions

For purpose of this guidance document the following definitions apply:

Term	Definition in the context of this document
Disaster Victim Identification (DVI)	<p>The processes and procedures for recovering and identifying deceased persons and human remains, along with the support given to family and friends during the identification process. <u>The term 'disaster' in the context of Disaster Victim Identification should be taken as:</u></p> <p><u>a) any incident involving a large number of casualties; and</u> <u>b) where a Disaster Victim Identification Coordinator has been appointed.</u></p>
Incident Care Team (ICT)	<p>A team, comprising specially selected and suitably trained individuals, able to be quickly activated in the event of a major accident or other incident involving customers for the purpose of providing practical and emotional care and support for those affected.</p>
Personal Effects	<p>All items recovered following an incident from the site or elsewhere and which are likely to be owned or otherwise associated with any of those involved. This includes electronic data held on laptops, mobile phones, iPods and other electronic devices, etc. (such as documents, music files, images etc.). Such items may have different values to different stakeholders, for example as evidence, <u>for GDPR or security related purposes</u>, for sentimental reasons or for purely financial reasons (or any combination of these).</p>
Police Family Liaison Officer (FLO)	<p>Police officer designated to facilitate an investigation into people believed to be missing and to assist <u>the Coroner to make an</u> identification by collecting ante-mortem data.</p> <p><u>The primary role of a FLO is as an investigator. The FLO will be responsible for gathering the evidence from the family that will assist the investigation. The key aims are:</u></p> <ul style="list-style-type: none"><u>to secure the confidence and trust of the family, thereby enhancing their contribution to the investigation (this can positively impact the wider issues of community trust and confidence, as well as bringing positive benefits to the investigation)</u><u>to gather material from the family in a manner that contributes to the investigation and preserves its integrity</u><u>to work with the family in order to comply with their rights to receive all relevant information connected with the enquiry, subject to the needs of the investigation, in a way that is proportionate to their fundamental right to respect for their privacy and family life</u><u>to ensure that the family are given information about support agencies and that appropriate referrals are made,</u>

3 Overview

3.1 Categorisation and status of personal effects

For the purpose of this guidance, personal effects will fall into one of three basic categories.

- i. **Scene of crime:** Personal effects which may be seized and retained ~~impounded~~ by the police as having evidential significance to them as part of the investigation / evidence process.

There are a variety of classifications of police incidents which may result in the recovery/seizure of personal effects: crime scenes, suspicious fatalities, non-suspicious fatalities, unexplained fatalities, work-related deaths, as well as non-fatal incidents which may result in life threatening or life changing injuries.

- ii. **Non-suspicious:** Personal effects that have no evidential significance (interest) to the police and are not required by them for investigation / evidence purposes. Note that in the majority of incidents, 'Non suspicious' items will not be identified as such at the time and all personal effects will be seized - it is only through investigation that items will be considered to be 'Non-suspicious'.
- iii. **'Non-controversial':** In many cases the incident will not require the involvement of the police (in an investigative role) and will not have resulted in any significant injuries – an example might be following the emergency evacuation of a train which required larger personal items to be left on board. In such cases, the return of such items is likely to be achieved quickly and simply and the process for doing so falls outside the scope of this guidance document.

The incident site will automatically be declared a scene of crime when the incident is suspected to have involved a criminal act of some description (including terrorism). It may also be so declared in cases of 'Unexplained' fatalities, or work-related deaths or until it has been confirmed that there was no criminal negligence on the part of Network Rail, the Train Operating Company or individual members of their staff.

Otherwise, the incident will be regarded as non-suspicious with personal effects regarded as having no link to the cause or nature of the incident. However, in cases where there are fatalities, it may still be necessary for the police to initially retain personal items to assist with the Disaster Victim Identification process prior to their subsequent return.

In the initial stages of any incident it should be assumed that it is a scene of crime until advised otherwise by the police and no personal effects should be removed from the scene under any circumstances without their agreement. In the event that any item has been removed, the fact that it has should be reported to the police with details of time/date/location and by whom, as well as the rationale for the removal.

It should be remembered that personal effects may come from a variety of sources – at the incident site, they may be gathered by 3rd parties (emergency responders, security staff, bystanders) and may only later come to light for return while they may also be recovered from anyone deceased at a hospital or mortuary.

4 Key responsibilities

4.1 Scene of crime incident

As all items from the incident scene may potentially constitute evidence, the BTP¹ will lead the recovery, secure storage, identification and repatriation of personal effects.

As this task may be resource-heavy, depending on the number of people affected and number of personal effects involved, the BTP may request assistance from the railway undertaking to provide support in terms of staffing and transport. It is important that railway undertakings recognise this and are prepared to provide such assistance by making suitably trained and competent staff who have volunteered and suitable vehicles available.

4.2 Non-suspicious incident

Where the incident site is declared not to be a scene of crime by the BTP, retention of personal effects will not be necessary as part of any investigation (though may still be needed to help with identification of anyone who has died or has been severely injured). In this case, the lead for the recovery, secure storage, identification and final return of such items lies with the owning railway undertaking which must have in place contingency plans to cover this eventuality, though it should be noted that the BTP can and will assist in this task. A risk assessment will be required before work begins to ensure safety and staff must be briefed on the controls required.

There may also be a coronial requirement for such items to be recovered and retained – in such cases guidance should be sought from the attending BTP officer.

5 Recovery from the scene

5.1 Liaison with BTP

Close liaison with the BTP or any other police force involved is essential in both scene of crime and non-suspicious incidents.

5.2 Recovery by railway undertaking staff

Where railway undertaking staff are responsible for or otherwise involved in recovering personal effects from the scene they should be:

- i. Appropriately briefed (including to treat all items with both care and respect and what to do if they come across contaminated or specific items) by suitable trained personnel.
- ii. Provided with appropriate Personal Protective Equipment (PPE) for the role, i.e. both the recovery of items from a potentially hazardous site and the handling of potentially contaminated items.
- iii. Provided with a means of systematically recording the exact location from which items have been recovered and supporting continuity which may be helpful in reuniting them with their owners.

Suitable numbers and types of vehicles and staff should be mobilised to the scene to collect and securely transport recovered items to a secure storage facility.

Section 10 addresses support and welfare provision for staff involved.

¹ This generally applies for a rail incident, including a road traffic accident involving a rail replacement bus service – though the BTP may request assistance from Home Office forces.

6 Storage

6.1 Responsibilities of railway undertakings

Where railway undertakings are responsible for or otherwise involved in storage of personal effects recovered from the incident site, they should ensure the following arrangements / facilities are identified and activated:

- i. A location for storage of personal effects. In addition to providing security against unauthorised access, this should also provide an environment that prevents as far as possible deterioration of items recovered.
- ii. Boxes or containers of various sizes as may be needed along with items such as ziplock style bags. These may need the ability to be locked or sealed.
- iii. Consideration should be given to what to store items in. In particular, as a general rule wet items should not be stored in plastic as this can lead to further damage via mould - paper bags are recommended as an alternative. All clothing should also be put in paper bags as it is likely to contain moisture. Ideally wet items should be dried ASAP.
- iv. A secure system for cataloguing and accessing the items, in order to retrieve them quickly when needed – see section 7.1. Staff should work in teams of two when to provide reassurance that items being both received into and removed from secure storage are being correctly recorded.
- v. In support of the above, a central database needs to be developed to log what items have been recovered (sizes, description, colour, markings, condition) and by whom they have been catalogued and photographed along with their storage location and any previous exhibit numbers and related agency. It should also provide for recording when the item was claimed and how the Person Elected to Receive Effects (see Section 8.1) would like the items processed / returned.
- vi. A secure system and process for identifying owners of personal effects (see Section 7).
- vii. A secure system and process to facilitate return of personal effects once identified and in line with the wishes of those who are to receive it (see Section 8.4).

7 Identification of personal effects

7.1 Cataloguing of items

In order to establish to whom any personal effects recovered from an incident site belong, they will need to be sorted, photographed and recorded, with a catalogue produced to aid future identification by potential owners or their next of kin.

7.2 Categorisation of items

Personal effects can be divided into two categories “Associated items” and “Unassociated items”.

7.3 “Associated items”

These are items that can be easily and unambiguously linked to a particular individual. They include personal items such as passports, bank cards and cheque books, items containing very clear names, data or images - such as documents, photographic or video recording equipment, mobile phones, laptops ([where linkable to an individual](#)) and similar - or readily identifiable items such as jewellery. Items such as these with clear ownership identifiable features may be returned much earlier than unassociated items, investigations permitting [and could also include personal effects recovered from the mortuary or hospitals](#).

7.4 “Unassociated items”

By definition, these items will not have any readily identifiable markers relating to individuals, and a system must be employed to match such personal effects with their owners. Such items include luggage, bags, rucksacks, etc. without labels, laptop computers ([if not linkable to an individual](#)), iPods, electronic devices, money and children’s toys.

In order to sort / investigate / identify / mark and record / return the items being stored the following should be considered.

- i. A secure location for sorting the items.
- ii. PPE assessment and supply of appropriate PPE, as some items may be contaminated with blood and other fluids / contaminants.
- iii. Staff and training to carry out the identification process.
- iv. A system to record findings and match with potential owners.
- v. A system for collating unidentified items for survivors or family members / friends to view in order to identify possessions, one option being the cataloguing of photographs / images.
- vi. A system / process to ensure the items handed back are genuinely the personal effects of the recipient (for example, demonstration of proof of ownership) and, if not being returned directly to them, then are being returned to someone confirmed as their chosen or legal representative or next of kin.

[This is particularly relevant to the return of Unassociated items and suggested good practice is to open an Unassociated catalogue for 60 – 90 days during which time family members can submit claims for items. No items should be processed until the closure of the catalogue in case of dual claims. It is typically only in the event that two individuals are claiming an item that proof of ownership is required. If no resolution can be found between the two individuals, the item\(s\) should be securely stored with the issue to be resolved in court / mediation until a final decision is reached. Kenyon’s² experience is that typically where two separate families are involved, one family will give first refusal to the other family. Where there tends to be more protracted arguments is when two members of the same family want the same item.](#)

By the very nature of this task, it must be assumed that the return of belongings to either the owner or their representatives may take many weeks if not months to achieve. In certain circumstances, some Unassociated items may have to be disposed of. This may be because they are of a perishable nature, due to the scale of the [incident or the level of damage, or because they remain unclaimed after all those involved in the incident have had a chance to claim them. However, this should be considered as very much a ‘last resort’ option with no decision made until all reasonable avenues to trace owners have been exhausted and after liaison with the BTP.](#)

[It is recommended that as a minimum, other than perishable items should be retained for a minimum of 24 months³, noting that there may be exceptions to this.](#)

² [Kenyon International Emergency Services are an international company specialised in responding to emergencies \(whether natural or ‘man-made’\) and with whom RDG has worked closely.](#)

³ [US legislation stipulates 18 months](#)

It follows from all the above that railway undertakings should be prepared for such an eventuality and have in place arrangements robust enough to accommodate a long-term commitment.

8 Return of personal effects

8.1 Handling of items – the need for sensitivity

The return of personal effects, in particular property which belonged to anyone now deceased, must be treated with utmost care and attention, remaining sensitive to the situation. Each individual or family group will react differently to the prospect of receiving items which have a direct, and often personal, link with the deceased.

Therefore, the method to be used to return items must never be assumed. The recipients must be fully engaged with the process, and their feelings and wishes must be taken fully into account.

It is recommended that families be asked to nominate a Person Elected to Receive Effects (PERE), as the sole person charged with any decisions regarding personal effects. This allows all correspondence and discussion relating to personal effects to be channelled through one individual per family. This is the approach successfully adopted by Kenyon.

8.2 Explaining why return of items may be delayed

As already noted, it may be necessary to retain certain items for some considerable time to provide evidence for investigations such as inquests, health and safety inquiries, civil prosecutions and criminal trials. While there is no reason why efforts should not be made to identify owners of personal effects while such investigations are underway, their return may have to wait until these have been concluded. Survivors and families/next of kin, who are unlikely to have any prior knowledge of such matters, will understandably find such delays frustrating. Therefore, it is important that the process – and reasons for the retention of particular items – are explained to them. While it is reasonable to expect that the police will lead on this matter, it is good practice for railway undertaking management to check that it has been done and the explanations sufficiently understood.

For scene of crime incidents, when the BTP is ready to return personal effects, its officers will contact the owners and / or their relatives or legal representative to make the appropriate arrangements.

The BTP does not deploy a FLO at every rail fatality – only certain incidents as per their Fatality Management Policy. In the case of a suspicious death, child death or work-related death, a Senior Investigating Officer (SIO) will be appointed who in turn will appoint a FLO. In all non-suspicious fatalities, a Fatality Investigator from A-FIT (BTP's A Division Fatality Investigation Team) will be the officer-in-charge and it is more than likely they will be responsible for the return of any personal effects. Otherwise, there will be an investigative team working on the incident and the railway undertaking should assign a Single Point of Contact (SPOC) to liaise with this team to co-ordinate return of personal effects items.

8.3 Return of items from non-suspicious incidents

For non-suspicious incidents, the BTP may still take primacy for these incidents dependent upon classification and nature. Otherwise, the return of personal effects falls to the owning railway undertaking. Support, advice and guidance can be provided by the BTP should this be required, dependant on the scale of the incident and the number of items involved.

8.4 Return of items – respecting the wishes of individuals

In all cases it should be recognised that the process for returning personal effects may seem to the owner or next of kin a further invasion of their privacy at a very difficult time. Every step should be taken to ensure that their wishes are known, understood, recorded and acted on to the extent possible and in general promote and support choice and control on their part. In particular:

- i. Do they wish to be involved in the return of personal effects? Not everyone involved in the incident will.

- ii. What personal effects the owner / family wishes to have returned [from the produced catalogues of both the Associated and Unassociated items](#). [If people are asked what items they want without the catalogue / photographs they may ask for items that have not been recovered](#).
- iii. In what state they want the personal effects to be returned, e.g. cleaned, restored to original condition, boxed, etc. (cleaned and pressed for clothing) or left as found, i.e. uncleaned.
- iv. In respect of ii) and iii) above, Kenyon have the following standard options for the return of personal effects, emphasising that it is important that wishes are recorded in writing:
 - 1. Returned as Is (uncleaned, providing the item does not present a Biohazard)
 - 2. Cleaned (including boxing / presentation of items such as jewellery)
 - 3. Destroyed (not all families will want items back as a result TOCs will need a mechanism to securely destroy items in accordance with relevant legislation)
 - 4. Restoration of jewellery (restoration is only offered for jewellery up to an approved budget as there will be some items that just cannot be restored and offering carte blanche restoration is therefore not recommended).
- v. For health and hygiene reasons it may not always be possible to comply with requests for items to be returned uncleaned - in such cases, this will need to be explained sensitively.
- vi. Policy decisions about items that are not going to be returned, such as food, should be clearly communicated to all involved to help set expectations.
- vii. All items should be properly and sensitively packaged and presented. [It is vitally important that all recipients are clear what items are being returned so they are not surprised in the unboxing.](#)
- ~~vii-viii.~~ Whether they wish to collect items or have them delivered.
- ~~viii-ix.~~ If collected, when, from where and how they wish items to be collected, noting that a suitable location for this will need to be identified.
- ~~ix-x.~~ If delivered, when, where and how they wish items to be delivered. [While delivery options include by post / courier, there is a risk that the item could go missing, therefore it is recommended that delivery should be in person wherever possible, with consideration given to this being by an Incident Care Team member, either of the TOC concerned or of another as part of the mutual support arrangements. Where a courier is chosen, this should be a trusted supplier who can guarantee items will not be lost. They need to be briefed about the situation and ensure items are handed over sensitively.](#)
- ~~x-xi.~~ Who they wish to be present when items are delivered / collected (both from the railway undertaking / rail industry and for personal support, e.g. family members, friends, members of faith communities).
- ~~xi-xii.~~ Any police or court exhibit tags have been removed.
- xiii. In cases where the BTP is responsible for returning items, there may still be a request for assistance in the return of belongings from the railway undertaking (due to geographical constraints) but this will be under the direction and accompaniment of [a BTP resource as described in section 8.2.](#)

To avoid the need for families to have to liaise with multiple agencies, all personal effects should ideally be handled centrally so that all items returned are treated the same and go through the same process to ensure continuity. It may be that the FLO or other BTP resource (as described in section 8.2) provides items to the TOC for processing who then return items to the FLO to return.
- ~~xii-xiv.~~ Try to avoid those involved having to work with multiple agencies.
- ~~xiii-xv.~~ A system/process to transport possessions overseas to foreign countries.

~~xiv-xvi.~~ Where owners or next of kin choose to have items returned in person by a member of the railway undertaking's staff, including by a member of the Incident Care Team, the person delivering them should ask if the recipient(s) wishes (/ wish) them to stay while they open the package or whether they prefer them to simply drop them off.

~~xv-xvii.~~ In cases where the preference is for the item(s) to be dropped off, consideration should be given to making a follow-up phone call the next day.

8.5 Return of items – receipt

In all cases when personal effects are returned, they should be accompanied by two copies of a form / document (printed or digital) setting out details of the item(s) being returned, the date on which and method by which they are being returned and providing a space for the recipient to sign and date confirming receipt. One copy of the signed form should be retained by the recipient, who should be asked to hand the other back to the deliverer (if delivery is in person) or return it by post (in which case an SAE should be provided) or electronically if the item has been returned to them by post / courier. The receipt itself should be retained for a minimum of ~~two~~ seven years.

It should, however, be noted that not all recipients will be happy to sign for receipt. In such cases it may be necessary to p.p. signature, documenting that the recipient did not want to sign for the item for the record.

9 Alternative arrangements

9.1 External assistance

For some smaller railway undertakings it may well be beyond their scope and resources to set up and manage the process of identifying and returning personal effects from anything other than the smallest of incidents. It may be the case that even larger organisations would find resourcing and managing these tasks in respect of a large-scale incident beyond their capabilities, or else would prefer to have these elements managed by other means.

As part of the national Incident Care Team initiative, RDG contracts on behalf of its members with a major disaster management company which is very experienced in this type of work and able to provide all the logistical / administrative / recording keeping / management processes and resources, etc. needed to lead any / all stages of the process from recovering personal effects from the incident site, through storage and identification, to their ultimate return or disposal, liaising as necessary with the appropriate authorities.

This service can be activated through the agreement in place between RDG and the supplier and would be charged at the current rates to the owning operator.

Other external commercial organisations may also be able to provide this service.

10 Supporting staff involved in handling personal effects

10.1 Impact on staff

The handling of personal effects recovered from incident sites presents challenges for the staff involved. Some of these relate to the nature / condition of items, which may be contaminated (see Sections 5.2 and 7.4) where provision of suitable Personal Protective Equipment should be made. It may be prudent for staff to work in teams of two so that they can corroborate the actions taken with any item.

Beyond this, all those involved in the management of such items, from initial recovery through storage and identification and most particularly if personally involved in the returning of items to survivors / family members, may be significantly emotionally affected by the circumstances.

Support mechanisms, including advice on what reactions staff might expect to experience (i.e. what is 'normal') and when to seek help should be put in place.

Prior to being engaged in recovery and management of personal effects, staff should be proactively encouraged to make use of such support mechanisms and take the opportunity to discuss their experiences. Putting such arrangements in place from the outset ~~will~~may prevent the need for professional counselling further down the line.

Chain of Care arrangements should also be put in place both during and after deployment to monitor such staff, for example by asking line managers to be alert for signs that special support may be needed (such as anxiety, being easily distracted or short tempered, over-emotional, etc.), and make available to them access to professional-qualified counsellors.

11 Keeping and retaining records

11.1 Record keeping

It is recommended that records of all catalogued items and details of when, to whom and by whom they were returned (or otherwise disposed of) should be retained for a minimum of seven years from the date of the incident.

12 Further information

12.1 Additional sources of information

Attention is drawn to the following:

- i. British Transport Police – Family Liaison Officer team – contact via BTP [Family Liaison Coordinator \(FLC\)](#). [As of the date of this Guidance Note, the national BTP FLC role is performed by DCI Steve May \(0161 256 5163 / 07818 010458\)](#)
- ii. [Disaster Action](#) and specifically their leaflet [The Return of Personal Property](#).
- iii. [Kenyon International Emergency Services](#)

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