COLLECTIONS THEFT RESPONSE PROCEDURES

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INTRODUCTION

The theft and illicit trade of cultural artifacts is a major international crime, second only to drug trade, and totaling $4 - 6 billion each year (according to the Museum Security Network). A vast majority of those thefts are committed by someone inside the cultural organization. Very few of us have any personal experience with collections theft. So, we created these Collections Theft Response Procedures to provide guidance to the multiple functions involved in theft response, and to suggest actions to take before and after the incident. The procedures are designed for use by all cultural property organizations (museums, libraries, archives) of any size. They are not intended to be comprehensive, but to highlight issues and provide a sense of the process.

Responding to a theft is like responding to a human-caused or natural disaster. The Collections Theft Response Procedures attempt to mirror the structure you may already have in place for emergency response. (See the “Agencies” page for resources on developing an emergency response plan.) They identify functions that need to be performed in responding to a theft—about 7 roles from within your organization and about 4 that are likely to be filled by people outside your institution with whom you maintain close ties. Several of these functions might be filled by one person. For each function, we have provided a checklist of activities—things to do before and after a theft. It is key to identify in advance of an incident who will be in charge, a line of succession (3 to 5 people deep) of people who are trained to perform each response function, and who will provide liaison with outside agencies. Then practice the response through drills, table-top exercises, etc.

You may need to respond to a theft in progress or to one that has been identified as occurring sometime in the past. In either case, the goal is to secure the return of the object without any injuries or damage. Recovery is greatly enhanced by quick reporting of the incident through law enforcement and other professional channels.

In addition to the checklist for each function, we have provided brief guidelines on preventative measures, reporting a theft, recording information about objects, and current law. On the last page, you will find a suggestion of the primary steps to take following a theft.

Introduction
Before the theft:

- Consults with the Director and response team on development of a clearly articulated philosophy on response to theft, including approach to reporting the incident, prosecution of suspects, rewards and ransom.
- Understands preventative measures taken to minimize the likelihood of collections theft.

After the theft:

- Consults with Director, as appropriate, on issues related to minimization of risk to the institution, public relations, and other broad issues.

Board and Trustees
In the event of a theft, sound legal advice is critical. Establish a relationship in advance with trusted counsel, whether in house, on retainer, or engaged as needed.

**Before the theft:**

- Ensures Legal reviews and approves theft response policy.
- Ensures Security and other relevant staff are trained in local, state and federal laws on theft response, detention, restraint, and arrest.
- Ensures Legal reviews and approves all contracts pertaining to transfer of risk for collections objects, including loan agreements, insurance policies, transit contracts, and others.

**After the theft:**

- Ensures Legal provides advice to the response team and board, as needed.

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**Liaison with Legal**
It is critical to maintain a close working relationship with local law enforcement. Both the Police Department and your organization should understand in advance of a theft the roles you will play.

**Before the theft:**

- Establishes a relationship with local law enforcement (police, airport police, etc. as appropriate) and FBI. Ensures they understand your operation and the importance of your collections, and that they know your key people. Helps them understand terms related to your business that may be unfamiliar to them.
- Ensures one person is identified and recognized as the contact for the PD during the investigation.
- Discusses with the PD what other agencies they might engage to respond to the theft.

**After the theft:**

- Notifies the local Police Department (PD) immediately.
- Reports to the local FBI office so they can record the loss and assist in distributing information. Their involvement is required if you suspect the object may cross state lines. (The FBI in Washington, DC, manages the National Stolen Art File that tracks losses to museums and cultural institutions.)
- If the object might be transported overseas, the FBI or local PD may involve Interpol (International Criminal Police Organization) or the law enforcement agency for one or more countries. All requests for assistance must be made through the local PD or FBI.
- The PD of a small community may seek cooperation and assistance from a larger local municipality.
- Obtains and archives a copy of the crime report and all related records of the incident. (PDs purge records over time.)
LIAISON WITH PRIVATE INVESTIGATOR

In the event of a major theft, it may be helpful to use an outside private investigation (PI) firm to assist law enforcement and your organization in recovering the object. Your insurance company may have PIs on retainer.

**Before the theft:**

- Establishes a relationship with private investigation firms on retainer.
- In some situations, it may be appropriate to hire an independent PI directly. Establishes relationships in advance of an incident.
- Talks with companies that have used the PI services before; checks references.
- Ensures the firm has worked with cultural institutions and understands the unique considerations.
- Discusses the institution’s philosophy on recovery, prosecution, etc.
- Discusses services the PI can provide in response to a theft, including 24 hour access and response.

**After the theft:**

- In coordination with insurance and law enforcement, provides clear and specific guidance on the scope of the PIs work.

Liaison with Private Investigator
ADMINISTRATOR
(Personnel/HR and Finance)

Before the theft:

- Establishes a line of succession for this function; trains all people in that line to conduct the responsibilities of this function.
- Maintains and regularly updates contact information for staff members.
- Maintains and regularly updates contact information for workers compensation insurance carrier and clinics, and employee assistance program (EAP) or other counseling services to assist in dealing with staff injuries or trauma.
- Maintains and regularly updates contact information for bank contacts and other financial agencies.
- Working with Security, establishes policy on background checks for personnel with access to collections.

After the theft:

- If staff members are suspected in the incident, coordinates with Legal on employee relations issues.
- Coordinates with workers compensation carrier and clinics to assist with any staff injuries.
- Coordinates with EAP or other counseling services to assist with response to staff trauma or emotional needs.
- In coordination with the Director and Board, makes financial resources available to respond to the incident, including for Private Investigators, public relations firms, psychological assistance, etc.
- With Director and Communications/PR, coordinates and disseminates appropriate information to staff.
- Cooperates with law enforcement, OSHA, or other agency requests for temporary closure of all or parts of the institution for preliminary investigation.
- Develops a plan for lockout pay, as needed.
- Coordinates with Communications/PR to update staff on when to return to work.
- In the event of closure to visitors, coordinates with Director and Communications/PR to consider refunds to public for admission, food service, etc.
- Keeps records of expenses incurred in responding to and investigating incident, including for additional security, private investigator, etc.
- Regularly reports progress and actions to Director.

Administrator (Personnel/HR and Finance)
COMMUNICATIONS MANAGER/PUBLIC RELATIONS

Before the theft:

- Establishes a line of succession for this function; trains all people in that line to conduct the responsibilities of this function.
- Maintains and regularly updates comprehensive list of media contacts, including radio, television, newspaper, and media consultants, with their phone, fax and emergency contact numbers.
- Regularly trains all staff on their responsibility to route all media inquiries to Communications/PR without offering comment.
- Develop and clearly articulate a philosophy for working with media during a crisis, including Do’s and Don’ts for providing information.
- Develops templates for preparing press releases in an emergency.
- Determines a base of operations that offers the capability to receive and respond to an increased volume of phone calls.

After the theft:

- With Director and other relevant team members, determines strategy for external communications appropriate to the situation.
- Reviews all external communications and requests for information; reviews and plans responses in conjunction with response team and board.
- Enlists the aid of the media in the recovery of the object by disseminating information through them, including regular updates on the incident response, changes in daily procedures, hours or operation, etc. Working with the Director, organizes press releases and/or any written information released to the public.
- With Administrator, coordinates appropriate information for dissemination to staff.
- Coordinates with Public Information officers of local PD and FBI to ensure accurate, relevant and appropriate information is disseminated.
- If media are on the premises, coordinates with Security for their badging and containing in holding areas, arranging for access and interviews only as appropriate.
- Coordinating with Administrator, arranges for regular updating of central voice mail message with status of incident response.
- Regularly reports progress and actions to Director.

Communications Manager/Public Relations
DIRECTOR

Before the theft:

- Develops with the response team and the board, a clearly articulated philosophy on response to theft, including approach to reporting the incident, prosecution of suspects, hostage potential, rewards and ransom.
- Ensures there are clear lines of succession and well-defined responsibilities for each function of the response team.
- Ensures response team members are thoroughly and regularly trained on their roles, and that response is consistently practiced through drills and exercises.
- Ensures appropriate theft prevention measures are in place, and their effectiveness regularly audited.
- Assigns staff members to establish and maintain effective primary liaison with outside agencies and companies involved in response to theft: insurance, law enforcement, legal, private investigator.
- Designates command post location, equipped with telephones, methods for monitoring media reports, and other appropriate supplies and equipment.

After the theft:

- Immediately calls together staff to oversee each response team function; ensures this group meets regularly throughout the incident response, as appropriate.
- Arranges for an assistant to document all activities and timeline during the incident response.
- Ensures immediate steps are taken to reduce or eliminate further loss or damage to people or collections.
- Ensures anyone injured during the incident is well cared for.
- Delegates responsibility to appropriate function leaders to notify law enforcement, and insurance broker and/or carrier.
- Notifies board members, donors, and/or lenders, as appropriate.
- Working with Communications/PR, coordinates information to be given to the media.
- Working with Communications/PR and Administrator, coordinates information to be given to staff.
- Cooperates with law enforcement, OSHA, or other agency requests for temporary closure of all or parts of the institution for preliminary investigation.
- Regularly requests, receives, and evaluates reports from all team leaders. Based on those reports, establishes priorities for response.
- Ensures all response operations are conducted safely and are well documented.
- Establishes timeline for resumption of business and reopening to staff and public, as appropriate.

Director

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Object ID is an international standard for describing art, antiques, and antiquities. The Object Checklist helps you provide information needed to identify an object as yours. Many local, national and international law enforcement agencies recommend using the Object ID Checklist for describing lost or stolen collections. For similar information on marking and identifying library collections, see “Guidelines for Marking Books, Manuscripts, and Other Special Collections Materials,” part of the Association of College and Research Libraries Guidelines for the Security of Rare Books, Manuscripts, and Other Special Collections, www.ala.org/acrl/guides/raresecu.html.

Take photographs
- Overall views, including front, back and sides. (It is important to photograph areas not normally visible.)
- Close-ups of inscriptions, markings, damage or repairs.
- Include a scale or object of known size in the image.

Answer these questions
- What type of object is it? i.e. painting, sculpture, clock, mask
- What is the object made of? i.e. brass, wood, oil on canvas
- How was it made? i.e. carved, cast, etched
- What is its size and weight? Specify what unit of measurement is being used and to which dimension the measurement refers.
- Are there any identifying markings, numbers, or inscriptions on the object? i.e. signature, dedication, title, maker’s marks, property marks
- Are there any distinguishing features or physical characteristics that could help identify it? i.e. damage, repairs, manufacturing defects
- Does the object have a title by which it is know and might be identified?
- What is the subject? i.e. landscape, battle, woman holding child.
- When was the object made? i.e. 1893, early 17th century, Late Bronze Age.
- Who made the object? i.e. name of known individual, company, or cultural group.
- Write a short description, including any information that helps to identify the object. i.e. color and shape, where it was made.
- Keep collections documentation in a secure place.

For more information on Object ID, visit www.object-id.com.
PREVENTATIVE MEASURES


- Perform regular audits to assess organizational compliance with security-related policies and procedures.
- Perform consistent package and bag inspections for staff and visitors on departure.
- Conduct random and regular inventory audits of collections.
- Execute thorough loan agreements, establishing clear responsibility for objects.
- Establish strong liaison with local law enforcement and local FBI office.
- Install, implement, maintain and test rigorous access control policies and systems.
- Implement visitor sign-in logs; provide visible badge for visitors, readers, scholars, contractors, etc.
- Register readers, scholars, and others with access to collections.
- Maintain in secure location through collections records, including condition reports, and photo documentation.
- Conduct thorough reference checks on potential employees, and background checks as appropriate.
- Enforce stringent transit guidelines.
- Encourage issuance and use of staff photo ID badges.
- Conduct regular and ongoing training for Security and other staff who may be involved in the response to a theft, including response to armed and unarmed incidents.
- Obtain AAM Standard Facilities Reports from any institution to which you are considering lending objects.
- Maintain well-tested intrusion detection systems; train staff thoroughly and regularly in response.
- Prohibit items larger than 11” x 15” from entering a collections space.
- Maintain rigorous key control policies and procedures.
- Utilize security screws and appropriate mounting techniques for objects in galleries and storage.
- Minimize personal possessions permitted in collections spaces.
- Implement electronic sensors and other appropriate marking techniques in library collections.
- Implement property pass and sign-out procedures for objects leaving secure area of the building.
- Utilize property sign in and out at storage and on display, including display removal authorization with signature.
- Do not advertise the value of objects or details on where and how they are secured.
- Set high standards for protection of collections in transit, including stability and security of vehicles, reliable communication, double driver teams, route verification, etc.

Preventative Measures
Before the theft:

- Establishes a line of succession for this function; trains all people in that line to conduct the responsibilities of this function.
- Ensures thorough and current records are kept, easily retrieved, and securely stored and backed up (including a copy off site) on collections, including basic identifying information (see page on Object ID which also lists sources for marking library and archive materials), accurate locations and movement records, proof of ownership and existence, loan agreements, certificates of insurance for items insured by others, condition reports, object photos, documentation of value, and records of damage or restoration. Makes Object ID or other appropriate forms readily available for gathering information on missing object.
- Takes appropriate steps to prevent or minimize the likelihood of collections theft, including regular random inventory audits, collections checklists, thorough and well-negotiated loan and transit agreements, sound policies for movement of objects within the institution, use of “object removed” signs, etc.
- Maintains rigorous policy of declining to discuss prices paid for or monetary value of objects.
- Takes appropriate steps to minimize the likelihood of collections theft for objects in transit, including checking background of shipping companies, establishing clear written criteria for transit and couriers, selecting appropriate transit for the collection types, and ensuring loan agreements and shipping contracts are signed and exchanged prior to the movement of collections.
- With Security, trains collections staff to recognize and immediately report confirmed or suspected missing objects to Security.
- Maintains and regularly updates contact information for dealers, galleries, electronic databases of stolen art and collections materials, auction houses, other curators, museums, libraries and archives with similar collections, and other professionals who may be able to assist in the dissemination of information about the loss, and in recovery of the object.

After the theft:

- Assists Security in identifying missing objects.
- Assists Security in investigation by providing information on the discovery of the loss, including people involved, location, time, when the item was last seen, etc.
- Stabilizes any objects damaged during the incident; protects objects from further damage.
- Produces all relevant records on missing objects, including those mentioned above.
- Works with insurance claims adjustor, as appropriate, to arrive at valuation.
- Working with Security, Risk Management, and Communications/PR, notifies professional contacts listed above who may be able to assist in the dissemination of information about the loss, and in recovery of the object.
- Researches fair market value of object; collaborates with insurance adjuster in determining dollar amount of claim.
- Regularly reports progress and actions to Director.
CURRENT U.S. LAW


Theft of Major Artwork Statute, Title 18, United States Code, Section 668, 1994

- Federal offense to steal from museums and libraries
- “Museum” means organized and permanent institution, the activities of which affect interstate or foreign commerce, that is situated in the US; is established for an essentially educational or aesthetic purpose; has a professional staff; and owns, utilizes and cares for tangible objects that are exhibited to the public on a regular schedule.
- “Object of cultural heritage” means an object that is over 100 years old and worth in excess of $5,000; or worth at least $100,000.
- Offenses include stealing or obtaining by fraud from the care, custody, or control of a museum any object of cultural heritage; or knowing that an object of cultural heritage has been stolen or obtained by fraud, if in fact the object was stolen or obtained from the care, custody, or control of a museum (whether or not that fact is know to the person, receiving, concealing, exhibiting, or disposing of the object.)
- Punishment includes fines and imprisonment not more than 10 years, or both.
- Statute of limitations is 20 years.

Section 3294—Makes it a federal offense to obtain any object of cultural heritage by theft or fraud from a museum. Also prohibits the fencing and/or possession of cultural artifacts know to have been stolen.

Section 659—Makes it a federal offense to steal or obtain by fraud anything from a conveyance, depot or terminal, any shipment being transported in interstate or foreign commerce. Also prohibits fencing such stolen property.

Section 1951—The Hobbs Act—Makes it a federal offense to obstruct interstate commerce by robbery or extortion or to use, or threaten to use, violence against any person or property in interstate commerce.

Sections 2314 and 2315—Prohibits the transportation of interstate or foreign commerce of any goods known to be stolen, valued at $5,000 or more. Also prohibits the fencing of such goods.

Section 1170—Prohibits the sale of cultural artifacts and human remains of Native American Indian or Alaskan Native origin, without the right of possession of those items, in accordance with the Native American Graves Protection and Repatriation Act.

Current U.S. Law
AGENCIES FOR REPORTING THEFT AND OBTAINING FURTHER INFORMATION

Public Sources:

- National Stolen Art File (maintained by the FBI)—database of stolen artifacts; cannot be queried directly, work through local law enforcement. (202) 324-4192. www.fbi.gov/majcases/arttheft/.

Private Sources:

- Exlibris—listserv for rare books and manuscripts librarians. exlibris@library.berkeley.edu.
- Trace Magazine. www.trace.co.uk.

For further information:

- For assistance on developing an emergency response plan—Bob Combs, Director of Security, The J. Paul Getty Trust, (310) 440-6540, bcombs@getty.edu; Laurie Sowd, Operations Director, The Huntington Library, Art Collections, and Botanical Gardens, (626) 405-2252, lsowd@huntington.org.
LIAISON WITH INSURANCE

(Insurance information provided by Robert Salmon, Fine Arts Risk Management.)

Before the theft:

- Establishes a line of succession for this function; trains all people in that line to conduct the responsibilities of this function.
- Regularly consults with collections managers, curators, security and others to ensure appropriate steps are taken to minimize the likelihood of theft, including loan agreements, physical and technical security, object movement forms, etc.
- Maintains liaison with collections, liability and property insurance brokers and carriers; understands the involvement of those players in the event of a loss; ensures the broker has worked with cultural institutions and understands the unique considerations.
- Maintains appropriate collections, liability and property insurance coverage; ensures insurance policies have broadest possible coverage terms.
- Understands collections insurance policy, including policy limits, valuation clause, exclusions, notification and proof of loss requirements.
- Understands the “loss buy back” clause, in which institution gets first right of refusal to repurchase object if it is found after settlement.
- Ensures senior managers and the board understand the extent and terms of the coverage, including limits and exclusions.
- Ensures the insurance broker reviews theft response policy.
- Discusses with broker the institution’s philosophy on recovery, prosecution, rewards, etc.
- Discusses services the broker and carriers can provide in response to a theft, including 24 hour access and response.

After the theft:

- Notifies insurance broker immediately. Provides as many details as possible, including date, time, and place of the theft, and description of the missing object.
- Provides insurance broker with copy of police report.
- Provides broker with most recent copies of loan agreements, accession records, acquisition and gift documents, appraisals, photographs, conservation histories, etc.
- Ensures incident response activities are conducted safely.
- Ensures all response steps, notifications and timeline are thoroughly documented in writing, photographs and video, as appropriate.
- Arranges for appropriate labeling and safe storage of incident documentation.
- Working with Administrator, gathers information on staff and visitors injured during the incident; reports to appropriate insurance carriers.
- Gathers information on collections and other property damage or loss; reports to appropriate insurance carriers.
- Cooperates with broker and carrier’s appointed claims adjuster who will assist in notifying Art Loss Register, and in working with FBI and Interpol as necessary.
- Monitors claims process with broker who will provide liaison with adjuster and carrier.
- Regularly reports progress and actions to Director.

Liaison with Insurance
SECURITY MANAGER

Before the theft:

- Establishes a line of succession for this function; trains all people in that line to conduct these responsibilities.
- Conducts regular assessments to identify security needs and vulnerabilities.
- Takes steps to minimize theft through hiring, training, technical systems, and policies and procedures. Regularly audits and tests systems and procedures to ensure proper response and function.
- Establishes liaison with appropriate law enforcement agencies (local Police Department and local FBI office). Works with them to monitor crime trends in the area.
- Provides regular training for staff involved in responding to collections theft, whether delayed discovery or in progress, including detention, restraint, and arrest.
- Working with Director and law enforcement, establishes philosophy and trains staff on responding to armed and unarmed incidents; ensures staff understand the importance of complying with the demands of a thief; emphasizes life over property.
- Establishes and implements policy and procedures for conducting art counts on a frequent and regular basis and regularly audits with Collections/Registrar.
- Working with Collections/Registrar, establishes security procedures for collections in transit.
- Maintains relationship with trusted private investigator (often on retainer with insurance company) whose services might be needed following theft.
- Maintains supplies and equipment needed to respond to theft (barricade tape, camera with flash, film, etc.).
- Trains all staff to report thefts or suspected thefts immediately to Security.
- Ensures security technical systems are installed according to recommended guidelines, well maintained, and regularly tested for reliability and proper performance.
- Forms liaisons with other museum and library security professionals in the area.
- Subscribes to publications and services that report museum and library losses.

During the theft:

- Ensures that Security Officers and other involved staff remain calm.
- Ensures that Officers observe carefully, write notes as safe to do so, and report immediately to supervisor.
- Ensures that Officers comply with demands of thieves and avoid endangering themselves or others.

After the theft:

- Ensures all visitors and staff are safe.
- Ensures local PD is notified immediately if the incident is in progress. If incident occurred in the past and has just been discovered, ensures law enforcement is notified after consultation with response team.
- Ensures the crime scene is secured and evidence is untouched and protected.
- Attempts to keep any potential witnesses available for questioning; if unable, records contact information.
- Collaborates with Collections/Registrar to protect objects from further damage.
- Conducts internal investigation, and cooperates with law enforcement on their investigation. Internal investigations are typically much broader, focusing on factors that led to the theft and prevention of future occurrences.
- Works with Collections/Registrar and Director to assemble photos and descriptions of stolen property, chronology of events, and witness list.
- Regularly reports progress and actions to Director.
PRIMARY STEPS IN RESPONDING TO COLLECTIONS THEFT

_____ If the theft is in progress, safeguard people; obtain necessary medical help; secure the scene; ask potential witnesses to remain.

_____ If the theft is in progress, notify local law enforcement.

_____ Safeguard against additional loss or damage to people or collections.

_____ Call together staff to oversee each response team function.

_____ Document all activities and timeline during the incident response in writing, photos and video.

_____ If the theft occurred in the past, notify local law enforcement.

_____ Notify local FBI.

_____ Notify insurance broker and carriers.

_____ Notify board members, donors and/or lenders, as appropriate.

_____ Conduct internal investigation and cooperate with local law enforcement on their investigation.

_____ Retain Private Investigator as needed.

_____ Enlist the aid of the media in recovering the object by providing information and regular updates.

_____ Communicate with staff, as appropriate.

_____ Gather relevant records on missing objects.

_____ Notify dealers, electronic databases of stolen art and collections materials, museums and libraries with similar collections, etc.

Record the telephone numbers of your contacts (use back of Procedures for additional information):

Local Police Department:  Contact name __________________________ Phone ________________________

Local FBI Office:  Contact name __________________________ Phone ________________________

Insurance Broker:  Contact name __________________________ Phone ________________________

Chairman of the Board:  Name __________________________ Phone ________________________

Legal Counsel:  Contact name __________________________ Phone ________________________

Private Investigator:  Contact name __________________________ Phone ________________________

Primary Steps