

# Old thieves never die; they just steal away

By Jason Barney

While taking part in various parks and recreation activities and outings, participants' valuable goods or personal effects are often lost, stolen, or damaged. Recent claims include prescription glasses broken while participating in an after-school program—because the glasses were ripped from the participant's hand while participating in a Member-sponsored recreational activity. The same participant also claimed damages arising out of the loss of his iPhone, because it was stolen while charging and not in the participant's possession during the activities. In another claim, a recreational participant's personal effects were stolen from a Member van parked at a trailhead after having transported the participants on an outing. The claimant alleged that the Member had assured the participant that his effects would be safe inside the van. The Member disputed giving this assurance and the items were stolen by breaking out the windows of the van.

Generally, these types of claims are denied because they do not arise from Member negligence; however, the claims can be reduced or eliminated by following some practical pointers as follows:

- 1) Discourage or disallow possession of valuable property while participating in parks programs, where practical. Expensive items should be left at home.
- 2) Valuable items such as smartphones or wedding bands—if not left at home—should be kept on one's person at all times. If impractical (swimming or playing sports for example) participants should be encouraged to use lockers if available, or use a portable travel safe with locking drawstring. Anti-theft travel gear is available online from several vendors.
- 3) Foster awareness that the Member is not responsible for the loss or theft of personal goods and encourage personal responsibility for the safekeeping of property. You may wish to make participants aware of your personal property policy and expectations of responsibility at the outset of the recreational activity. Avoid making any assurances assuming responsibility for or a guarantee of safekeeping of property.
- 4) Follow your department's lost and found policy, and if you don't have a policy, develop and implement one. Usually, such a policy will establish procedures for inventorying found items and the date turned in, attempts to contact the owner (if known), disposal of unclaimed items, and having a secure way to store valuable items. Absent a gratuitous assurance of safekeeping—which should be avoided—the Member's liability does not extend to the acts of thieves and vandals.

Using the tips outlined above will encourage participants to safeguard their own goods, reduce theft and the claims arising from it.