

Charity Checklist

In the wake of a disaster, attorneys general are responsible for protecting both donors to and recipients of aid from charitable organizations, as well as for protecting the organizations themselves from fraud. In order to effectively fulfill these post-disaster roles, it is prudent to develop comprehensive plans before a disaster occurs to ensure appropriate monitoring and coordination of the activities of charitable organizations.

Pre-Disaster Preparedness:

Internal Steps

- Ensure that charity registration and disclosure requirements are rigorous enough to screen out fraudulent charities while also being flexible enough to allow for reputable new charities to become registered quickly.
 - Consider collaborating with neighboring states in mutual aid agreements allowing charitable organizations that are registered with another state to operate before registering in the aftermath of a disaster.¹
 - Take a proactive role in planning for the coordination of charitable organizations in the event of a disaster; joint disaster planning efforts are likely to increase the effectiveness of post-disaster relief efforts.²
 - Classifying organizations as primary, secondary, and tertiary responders helps ensure that aid will not be exhausted in the aftermath and will be available for long-term relief.
 - Consider intra- and interstate mutual aid type legislation that accounts for the role charitable organizations are capable of playing in the aftermath of a disaster.
 - Convene a committee dedicated to assessing the status of state- and region-wide mutual aid efforts that include representatives of the office of the attorney general (and other state agencies charged with overseeing charitable organizations), major charities, local law enforcement, government, first responders and others who are situated to understand the needs of disaster victims.³

Public Steps

- Ensure transparency by not only requiring disclosure of financial information, but also developing an online database to publicize reports.
- Consider implementing an associated complaint system.

Post-Disaster Priorities

The attorney general's role in the wake of a disaster can be divided into two related but analytically distinct categories: 1) the responsibility for ensuring that charities act in such a way as to effectuate the intent of their donors, and 2) the responsibility for ensuring that disaster victims receive the aid they need when they need it.

¹ For model legislation addressing the portability of licensing and registrations see National Emergency Management Association (NEMA), *Model Intrastate Mutual Aid Legislation* (Mar. 2004), available at http://www.scd.hawaii.gov/nims/model_intrastate_mutual_aid_legislation.pdf.

² Brudney, Jeffrey L. and Beth Gazley. *Planning to be Prepared: An Empirical Examination of the Role of Voluntary Organizations in County Government Emergency Planning*, 32 PUB. PERFORMANCE AND MANAGEMENT REV. 372-98 (2007).

³ See NEMA, *supra* note 3.

Donor-Side Steps

- Publicize relevant information about charities to promote transparency and allow donors to make informed donations to reputable charities.
- Consider requesting that charities further increase their transparency in the wake of a disaster by disclosing the donations they receive and the manner in which those donations are spent.
- Create a well-publicized complaint system to alert the attorney general's office to possible instances of fraud.
- Post information about how fraud can be reported (online, by phone, by mail, etc.) in disaster areas.
- Implement a text message, social media, and multimedia messaging strategy to disseminate information about known frauds, as victims of donor fraud are often unaware they have been defrauded.

Victim-Side Steps

- Consider developing a centralized system by which victims can request aid which can be shared with charitable organizations. Doing so serves to prevent charitable organizations themselves from being cheated by repeated or fraudulent claimants.⁴
- Consider forming a post-disaster working group to monitor the status of relief efforts. This group could include the representatives from the same agencies and organizations as the pre-disaster committee — charities, state organizations and local authorities — as well as representatives of the victims of the disaster.⁵

⁴ See *Charitable Contributions*, *supra* note 2.

⁵ See *id.*