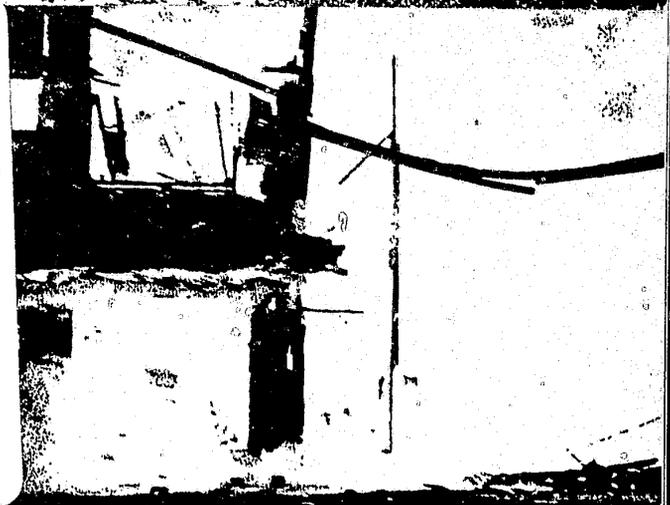


THE ICEBERG CRIME:

What
police officers
should know
about arson

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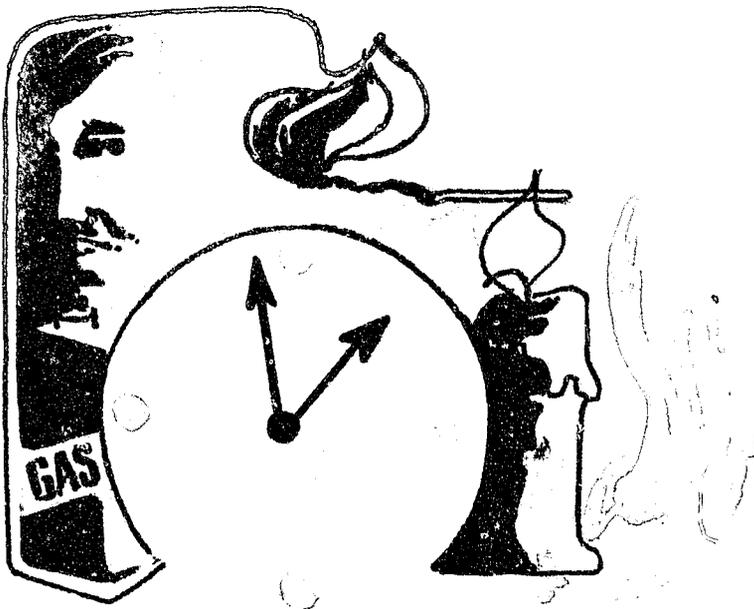
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ACQUISITIONS

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What police officers should know about arson

Arson is the iceberg crime—its mention in the police logs and fire records of our nation represents only a tip visible above the surface. It is a crime believed to be much more prevalent than statistics would indicate. Why? Because of less-than-perfect systems of reporting fires and determining their cause. Many fires wind up classified as of unknown origin; some deliberately-set fires are mistakenly attributed to accidental causes; and many fires, some of them arson, are never reported by local authorities to state and national record-keeping agencies.

Visible or not, arson is nonetheless a crime—a felony, in fact. Statistics on confirmed arson fires alone indicate it is one of the nation's most expensive crimes against property, and it occasionally brings death and serious injury as well. Yet arson, compared with other major crimes, arouses little public outrage. Robert May, assistant to the director of the Illinois Department of Law Enforcement, puts it this way: "People get all excited about a \$5,000 bank robbery from which the bank will soon recover. But they don't say much about the burning of a \$100,000 business that could force the firm to close up shop and cause the loss of jobs for some 50 citizens,

loss of income to these employees and loss of tax income to the community."

Why? Perhaps people have been conditioned to think of fire as something that's just bound to happen once in a while, and worrying about what made one happen is a little like locking the barn door after the prize bull has escaped. Or perhaps it's because of a seemingly widespread public attitude that arson is pretty much confined to the crime syndicate and those who run afoul of it. . .not something the average citizen needs to be concerned about. Most people probably would be surprised to learn that much arson is committed by normally law-abiding citizens who are in financial trouble and see a fire as a quick solution to their problems.

Too, this apathy extends to some among the ranks of those whose jobs would seem to require that they be concerned about arson—firemen, fire investigators, police officers, prosecutors, insurance claims people. The prevailing impression is that arson is so difficult to prove. . .and so hard to





pin on any single individual or group of persons. . .that it simply isn't worth the effort. This attitude is fed by the popular (but inaccurate) view that in arson, all the evidence is usually burnt up. Better to just write it off as another fire of undetermined origin, pay the insurance claim and forget it.

Of course, it is difficult to prove that a fire was arson, and even more difficult to get a conviction. . .but neither is impossible. Some inroads already are being made in states where authorities have begun to take arson seriously. What is needed are larger pools of people trained in the techniques of pinpointing a fire's cause and carrying out an investigation if that cause turns out to be arson.

That's where you, as a police officer, come in. Unless you're on a special arson squad in a large-city police department, you won't normally get involved in determining the cause of a fire. That's the

fire department's job, and if the firemen need help, they can call on an investigator from the state arson bureau or fire marshal's office. Your job begins after they have ruled out other possible causes and decided the fire was arson. The firemen have discovered how the blaze started; your duty is to find out why it was set and who set it. (In some cases, a state fire investigator also will be working on these angles; in others, you may work with the local firemen, or by yourself. Where someone else also is working on this phase of the investigation, it's best that everyone get his signals straight so that there is no unnecessary duplication of effort.

This booklet by itself will not tell you all you need to know about arson; it is not designed as a short course in arson investigation. Rather, it is aimed at making you aware of the arson problem; giving you some basic how-to-do-it advice on conducting an arson investigation; telling you what type of evidence you'll need to make a conviction likely; and informing you about available training that will make you a more capable arson investigator.

WHAT TO LOOK FOR: MOTIVES

Motive is the “why” behind a crime—the impulse, emotion or desire that leads a person to do something. It’s not always essential to establish a motive to charge someone with a crime and obtain a conviction. For example, if you’re in a restaurant and you see a man stand up, pull out a pistol and shoot his dining companion, it isn’t necessary to show why he did it. You and a dozen other eyewitnesses saw him do it, and that’s all that’s needed to convict him.

Arson, unfortunately, is seldom that clear-cut. Because it is a crime of stealth, the perpetrator is rarely seen in the act of setting the fire. So it is helpful for the police officer to try to establish some type of motive. . .partly as an aid in his investigation, partly to bolster the prosecutor’s case when it comes to trial. A jury is more likely to convict a suspected arsonist if a motive can be shown.

Some arson motives are rational: the guilty person stands to gain something from the fire. It could be something tangible, such as money—a homeowner or business owner burns his own property to collect on the insurance, or perhaps he burns someone else’s property with financial gain in mind. Or what the arsonist wants could be intangible: revenge, attainment of a goal or support of a cause (fires



resulting from labor trouble, racial or religious strife); concealment of another criminal act, such as murder or burglary; and intimidation aimed at producing some desired action by another person.

Other arson motives are irrational: there seemingly is no logical reason for the fire; the arsonist stands to gain nothing. Examples would include fires set by juveniles or vandals out of boredom or by pyromaniacs—mentally disturbed people who get a special thrill out of watching things burn. Occasionally, a motive is a combination of rational and irrational, as when a kid with a grudge against his teacher sets fire to the school.

Burning for profit is probably the most common arson motive. Any number of facts or circumstances may point to insurance fraud as a motive, but here are some of the most frequent signs:

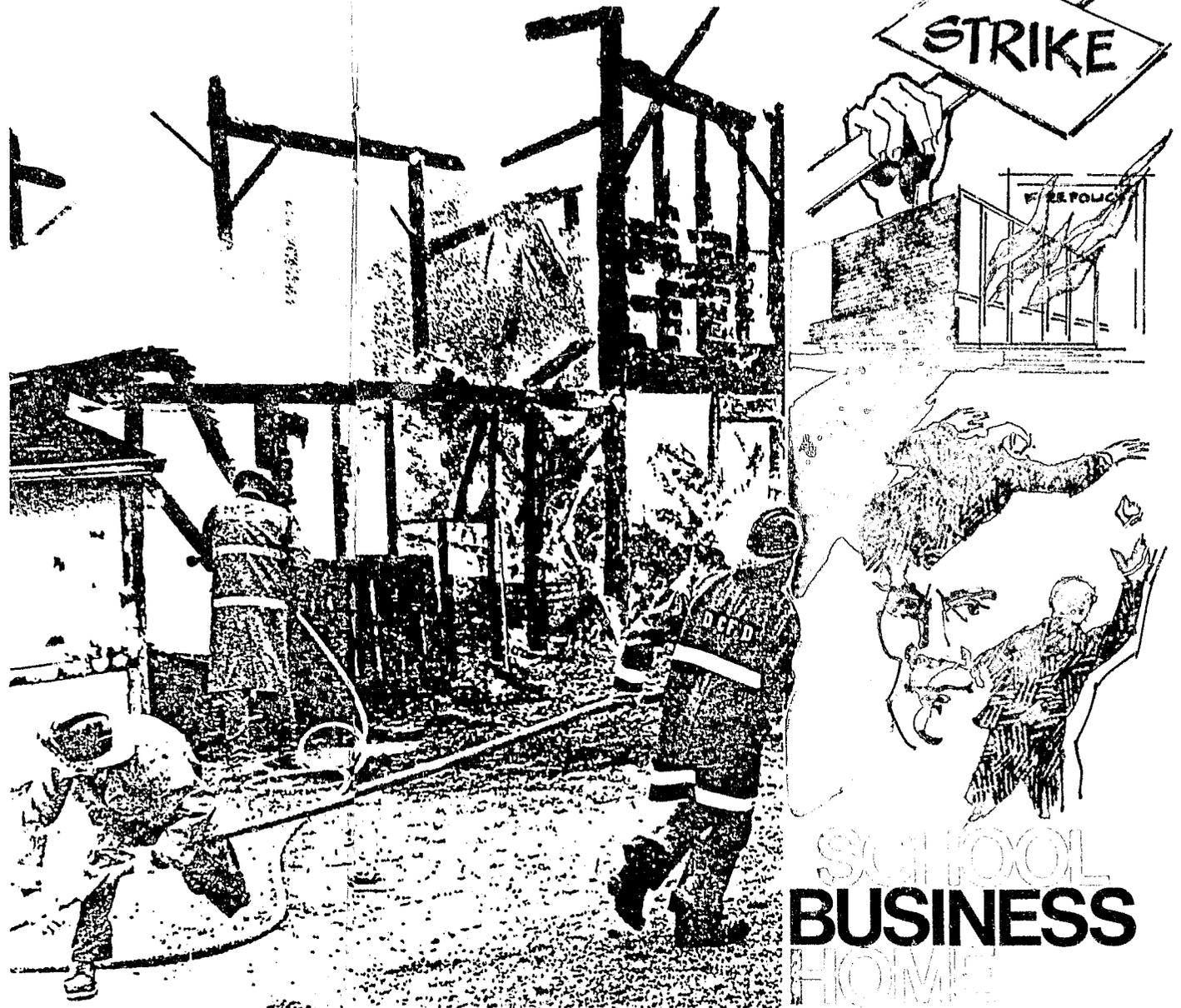
—The business owner is unable to meet certain financial obligations: mortgage payments, taxes, rent, wages, notes payable, accounts past due, insurance premiums.

—Owner no longer wants the property and can't sell it.

—Owner wants to liquidate business quickly, or dissolve a partnership.

—Owner has too high an inventory and absence of ready market for stock. Obsolete merchandise. Seasonal business at an end. Orders from jobbers unexpectedly cancelled and manufacturer unable to dispose of merchandise.

—Poor business conditions in general. Inexperienced management cannot run business properly. Business quarters outgrown. Desire to move from a certain location.



-Owner has urgent need for ready cash to start fresh in business or pay pressing obligations.

-Property is grossly over-insured, or insurance on it has recently been substantially increased.

-Householder is having marital problems, or needs money to pay hospital bills, attorney's fees, other large bills.

-Homeowner has a history of fires in other places he has lived.

-Land is being sold and building is to be removed as condition of sale.

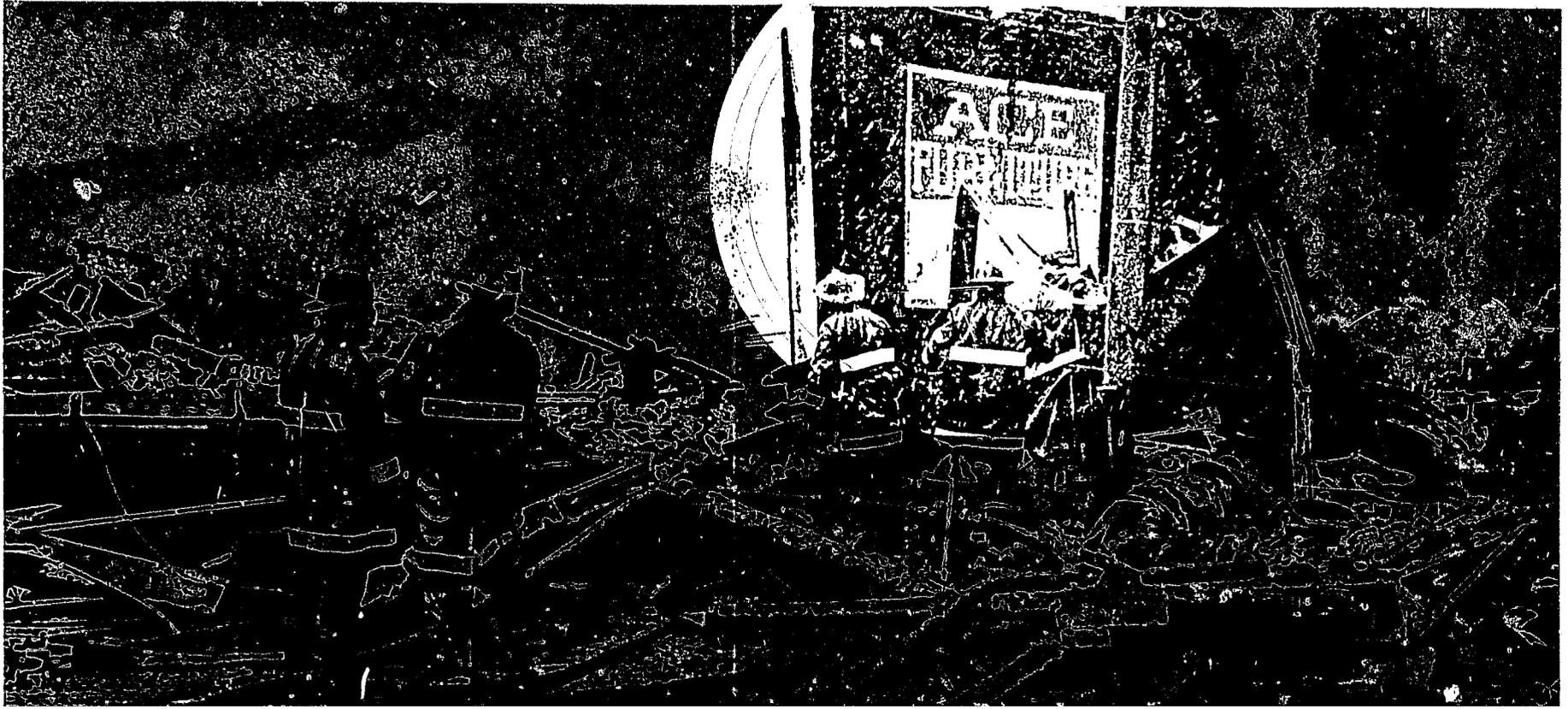
Sometimes the person whose property is insured is innocent of any wrongdoing, but someone else stands to gain financially from the burning of it. For example: A competitor wants to put the property owner out of business; a contractor wants to boost his own business; a tenant wants to break an undesirable lease.

Spite fires may be related to the arsonist's job--arising in the midst of a strike, or because someone is angry with a former boss who fired him. Or they could relate to his personal life--jealousy over a love rival, for example. Arson for racial, religious or political reasons may be an outgrowth of a riot or other disturbance. Perhaps a careful sifting of

the fire rubble reveals another crime--anything from murder to attempted destruction of records to conceal embezzlement.

Where no rational motive is apparent, you may suspect the fire was set by a pyromaniac or perhaps by a juvenile. How and where it was set (firemen can tell you) may serve to confirm your suspicions. If it was set in part of a building readily accessible to the public, that's typical of a pyromaniac or juvenile; he wants to make a quick entry and a fast exit. Also, if the arson plant (material used to spread the fire) was simple--a few twists of newspaper or some rubbish ignited with a match--it probably wasn't devised by someone with a rational motive; the preparations would have been more elaborate.

A check with firemen will reveal whether they have noticed the same person among the spectators at this fire and several other recent suspicious ones. This is one sign of a pyromaniac; he tends to hang around for the pleasure of watching the building burn. Sometimes the pyromaniac or other mentally unbalanced fire-setter gives himself away in other ways: he offers to help the firefighters when no help is needed; he questions them extensively about the fire's cause; or, wanting to be a hero, he takes credit for discovering and reporting the fire.



INTERVIEWS: WHO & HOW



To establish possible motives and develop suspects, you must interview people who might be expected to have some knowledge about the fire and how it started. Your list will vary with each fire, but here are the most common categories of people who might be able to help you:

—Firemen. Besides their knowledge of how the fire started, they often can provide other important details. For example: Who reported the fire? While driving to the fire, did they notice any car speeding away in the opposite direction? Did they notice any suspicious characters at the scene? Did they check outbuildings to see if any furniture or other items from the burned building were stored there? Don't just talk to the chief; interview other firemen too, especially those first on the scene.

—Person who discovered the fire (sometimes the building's owner). Can he account for his actions just prior to discovery of fire? Who else was there at the time?

—Owner and tenants of building, if different from owner. Who else besides them had keys to building? Draw out from them as much

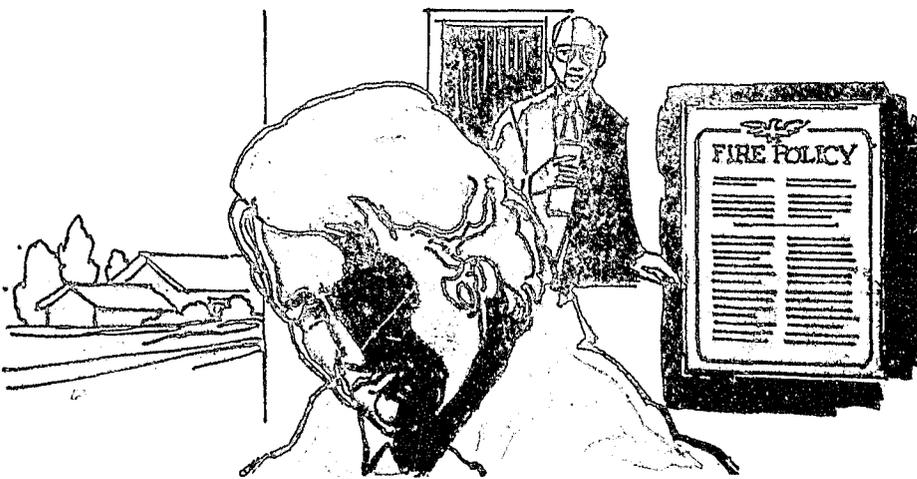


general information about themselves and, if commercial property burned, their business as you can.

-Neighbors. Did they see anyone around fire or leaving the area? What do they know about the owner or tenant? Has anything unusual, such as marital problems, been happening at the house recently?

-Business associates and competitors (if it was a business fire). Had the owner been having financial or other business-related problems lately?

-Insurance claims adjusters and agents. Often a claims representative will be conducting his own investigation parallel to yours; you may be able to pool information, help each other out. The agent who sold coverage on the building may know something about the insured per-



son, whether he had prior fire losses, whether he carried other insurance as well.

-Coroner, if death occurred in fire. Could the fire have been set to cover up a homicide? Or could the deceased person have been accidentally killed in a fire he set himself?

-Employer and fellow employees of suspect, once you develop one. Was he in trouble at work, or at home?

-News reporters who covered fire. Did they notice anything unusual?

In addition to interviewing, another important investigative method is inspection of printed records, both public and private. See if the bank or savings and loan association will let you check the building owner's mortgage file; was he behind in his payments? Examine court house records to verify title to the property and check for liens, judgments and chattel mortgages (mortgages on personal property). Check police

CORONER
REPORTERS
EMPLOYER
NEIGHBORS



department records to see if the suspect has a criminal record, and check newspaper files for general information about him. Obtain credit reports on suspects.

If you're a veteran police officer, you have already developed certain interviewing techniques. You have your own style, and it probably will work as well in an arson investigation as it does in other types of cases. But if you're new on the force or for some other reason haven't done much interviewing, here are some tips from several experienced arson investigators that could make the job easier:

—Talk to people on their own level. Be patient; make small talk, put them at ease. On the other hand, don't do too much of the talking yourself; concentrate on listening. Let the person talk—about anything—and sooner or later the conversation will get around to the subject at hand.

—Keep an open mind. In most cases, you won't want to treat a person as a suspect right off the bat. Interview him as a witness rather than a suspect. This way you don't have to advise him of his rights unless you later decide he's definitely a suspect. However, if solid evidence initially points to him as a logical suspect, the wisest course would be to advise him of his rights immediately.

—Don't tell a person why you're asking specific questions. If you do, he'll wind up questioning you. Just tell him the question is part of your investigation.

—If you come to suspect the person of being an arsonist, advise him of his rights and ask him to sign a form indicating you have done so.

—A suspect probably will already have an alibi in mind and be ready with pat answers to your questions. You must break down this type of rehearsed thinking. One way is to learn something about him—his place of birth, details of his past, criminal record, or whatever—and confront him with these facts he didn't know you knew. This will throw him off

and he may reveal something he hadn't planned to let out.

—Conduct your interview with a suspect in private; no more than one other person should be in the room with you and him. This way you avoid irrelevant questions that lead away from the line of facts you're trying to establish. However, if you're a man interviewing a woman suspect, have another person present. That way she can't, in an effort to destroy your case, make a phony claim that you made sexual advances toward her, for the witness will contradict her.

—Watch the person's movements—feet, hands, eyes, changes of facial expression—for signs of nervousness. To distinguish a jumpy arsonist from a person who's just nervous by nature, try to put him at ease with small talk or easy questions. Then come back to the tough ones. If he gets nervous again after having settled down, he may be lying.

—If you're considering giving the suspect a polygraph test, consult your local prosecutor first. Results of such a test are seldom admissible in court, but the prosecutor can advise you on how to frame questions so that the test will be of maximum usefulness.

—Get statements in writing or on tape; verbal, non-recorded statements are subject to change.

Protection of physical evidence found at the fire scene is often the job of the firemen or fire investigator. However, if you get involved, there are at least two key things to keep in mind:

—Physical evidence must be carefully documented and preserved. For example, if a piece of debris contains gasoline, put it in an air-tight container for later analysis; note on the label who found it, where (exact location in building), the date and time, and any witnesses present.

—If you take any photographs, take the right kind—photos that show evidence of arson and would be admissible and useful in court. If you don't have the know-how, get a qualified law enforcement photographer or a professional photographer to do the job.



ARREST & TRIAL

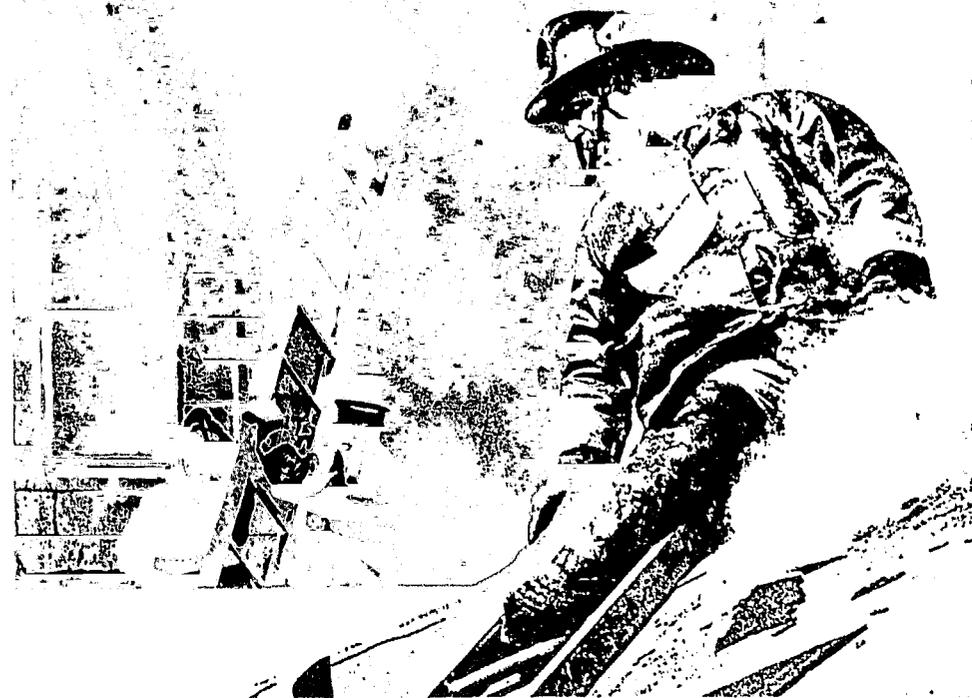


In a few arson cases you may have only one obvious suspect on whom you are free to concentrate all your efforts. You have plenty of time to try punching holes in his story and to gather enough evidence to justify placing him under arrest.

In most cases, however, you'll start out with a number of possible suspects. Merely establishing that one of them had a motive to set the fire is not enough; you must also show he had the opportunity. And, if possible, you should also come up with evidence linking that person with the fire. For example, the building was locked up and only he had a key.

Many persons may have had an opportunity to start the fire, but your field of suspects will narrow when possible motives are considered, and it will be further narrowed when these motives are related to the background, personal characteristics, past activities and financial status of each suspect. Ten persons may have had a chance to set a fire, but only four or five had good reasons for wanting it. And of these, only one or two would risk an arson conviction for the expected profit or satisfaction to be gained from their act.

In probing an arson fire, seldom will you uncover direct evidence linking a suspect with the blaze. An example of direct evidence would be a witness testifying he saw the suspect bend down,



strike a match and set the building on fire. Because arsonists tend to be sneaky, they are seldom caught in the act. What you probably will concentrate on gathering is circumstantial evidence—provable facts taken together from which a conclusion may be inferred.

For example: You know the fire was ignited by a timing device—a slow-burning candle attached to some inflammable material, perhaps—triggered two hours before the fire actually started. You know Mr. Jones has an alibi for the time of the fire, but not for two hours beforehand. You know Mr. Jones is the only person who could have had access to the building at that time. Therefore, Mr. Jones set the fire. Contrary to popular opinion, circumstantial evidence is not necessarily inferior to direct evidence. In fact, it may be more reliable. Proof by circumstantial evidence usually requires a large number of witnesses, each testifying to some small portion of the over-all picture; many of them would have to commit perjury to produce an unjust conviction. But a single witness lying about direct evidence (“I saw Mr. Jones set the fire” when the witness really didn’t) might accomplish just that.

HOW TO GET MORE TRAINING



This booklet has been designed to give you an overview of the arson problem and some basic advice on how to conduct an arson investigation. To be a really effective investigator in this area, however, you need more detailed information and more extensive training than you can get from simply reading a booklet. You need to take advantage of one of several arson investigation courses available to police officers in Illinois.

Three-day arson seminars are held annually at Aurora in February and at Illinois State University, Normal, in late summer or early fall. They are conducted by the Illinois Chapter of the International Association of Arson Investigators and the Arson Bureau of the Illinois Fire Marshal's Office. In addition, the Arson Bureau puts on two-day weekend seminars at various locations throughout the state. You or your police chief should contact the Illinois Arson Bureau, Room 1728, 160 North LaSalle Street, Chicago 60601, for information on how to sign up for a seminar.

All but nine of the state's 41 junior colleges offer fire science courses, many of which cover arson. You should contact your local or area junior college for details on their program.

As a police officer, you have a personal stake in reducing the frequency of arson: fewer deliberately-set fires mean more police man-hours freed to work on solving other crimes. But you also have the interests of any citizen in cutting down on arson: less serious crime, lower loss of life and property, and less waste of your insurance premiums on paying off those who burn for profit.

You can be a key, front-line trooper in the battle against arson—if you'll take a few days to get the training you need to recognize it, investigate it, and help bring the criminal fire-setter to trial.



This booklet is published by the Illinois Advisory Committee on Arson Prevention in cooperation with the Illinois Chapter of the International Association of Arson Investigators.



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