

U.S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION		CATEGORICAL GRANT PROGRESS REPORT	
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State of New Jersey	80-DF-AX-0017	5/20/82	9
IMPLEMENTING SUBGRANTEE	TYPE OF REPORT		
NJ Department of Law & Public Safety Division of Criminal Justice	<input type="checkbox"/> REGULAR <input type="checkbox"/> SPECIAL REQUEST <input checked="" type="checkbox"/> FINAL REPORT		
SHORT TITLE OF PROJECT	GRANT AMOUNT		
New Jersey Arson Strategy			
REPORT IS SUBMITTED FOR THE PERIOD	THROUGH		
1/1/82	3/31/82		
SIGNATURE OF PROJECT DIRECTOR	TYPED NAME & TITLE OF PROJECT DIRECTOR		
<i>Bruce M. Merrill</i>	Bruce M. Merrill Arson Project Director		

COMPLIANCE REPORT HERE (Add continuation pages as required.)

The following is the final report for the New Jersey Arson Strategy. This report presents a synopsis of grant activities during the two year grant period, as well as New Jersey's efforts to continue certain of the initiatives undertaken during the tenure of the Statewide Arson Strategy. It is a compilation of the following attachments:

- A. New Jersey Statewide Arson Strategy--Executive Summary of Compliance and Final Report/March 1982;
- B. Arson Control Strategies for each of the 21 Counties in New Jersey. (The New Jersey Comprehensive Statewide Arson Control Strategy was attached to the last Quarterly Narrative Report, Attachment I);
- C. Synopsis of County Arson Control Plans, together with copies of sample letters sent to each County Prosecutor;
- D. Study of Arson Statistics in New Jersey 1978-81 prepared by the Data Analysis Center, Division of Systems and Communications, Department of Law and Public Safety;
- E. Copy of the New Jersey Arson Investigation and Prosecution Manual.

103767

No further grants or other benefits may be paid out under this program unless the recipient complies with the provisions of the Comprehensive Crime Control Act of 1976.

APPROVED BY GRANTEE STATE PLANNING AGENCY (Official): *Bruce M. Merrill*

DATE: 5/25/82

FORM NO. 44-4187-1 (REV. 2-77)      REPLACES EDITION OF 10-7-76 WHICH IS OBSOLETE.

NEW JERSEY STATEWIDE ARSON STRATEGY  
DIVISION OF CRIMINAL JUSTICE  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
LEAA GRANT NO. 800-DF-AX-0017

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EXECUTIVE SUMMARY OF COMPLIANCE  
AND FINAL REPORT

MARCH 1982

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HON. THOMAS H. KEAN,  
GOVERNOR

HON. IRWIN I. KIMMELMAN,  
ATTORNEY GENERAL

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PREPARED BY:

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I. INTRODUCTION

This report is intended to review, as succinctly as possible, the major objectives achieved by the New Jersey Statewide Arson Strategy during the grant period January 1, 1980 through December 31, 1981. It will also discuss any major grant objectives not completed during this period, as well as the present plans by the State to continue those initiatives undertaken by the Project.

For a more detailed analysis of any particular area, reference should be made to the Quarterly Narrative Reports filed with the Law Enforcement Assistance Administration (LEAA) during the course of this grant.

II. BACKGROUND

During the Winter of 1978-79, several severe fires occurred throughout New Jersey, which were attributable to arson. Several persons died or were seriously injured in these fires, many of them small children. As a result of these tragic events, then Governor Brendan Byrne instructed former Attorney General John Degnan to spearhead an inquiry into the nature and extent of the arson problem in New Jersey.

It was in this context that the Governor's Arson Task Force was convened. The Task Force was organized and charged with the responsibility to study the magnitude of the arson problem in the State, to identify causal factors associated with the problem, to assess the State's present response to the crime of arson and, finally, to explore avenues for the development of an effective and comprehensive statewide strategy for arson prevention and control. The results of these efforts were presented in Development of A New Jersey Strategy for Arson Control: The Report of the Arson Task

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ACQUISITIONS

Force.

Using the findings and recommendations contained in the Arson Task Force Report, the Department of Law and Public Safety, through its Division of Criminal Justice, under the direction of Attorney General Degnan and Director Edwin H. Stier, made application for a grant to the LEAA to fund the implementation of the New Jersey Arson Strategy. The Division of Criminal Justice was chosen to make this application because the functions, responsibilities and powers of the Attorney General in New Jersey, relating to the detection, enforcement and prosecution of the criminal business of the State, are exercised through the Division of Criminal Justice pursuant to the Criminal Justice Act of 1970 (N.J.S.A) 52:17B-97 et seq.). The application was favorably received and the resulting grant enabled the Arson Project to commence operation on January 1, 1980.

While primary responsibility for implementing the objectives of the LEAA grant rested with the Division of Criminal Justice, the development and implementation of a statewide arson strategy was actually a coordinated effort involving the Division of Criminal Justice, the Division of State Police, the 21 County Prosecutors' Offices, the Office of the State Fire Marshall, the Division of Systems and Communications, the Department of Community Affairs, the Legislature and the Governor's Office.

The major objectives of the Arson Project, as outlined in the Task Force Report, were:

- (1) the development and delivery of training programs for better arson detection, investigation and prosecution;
- (2) the establishment of a Governor's Arson Advisory Committee, chaired by the Attorney General, which would provide a

broad based vehicle to analyze arson and arson-related issues and provide for the design and implementation of effective programs of arson control;

- (3) the development of a comprehensive arson control strategy for the State;
- (4) the development of arson response capabilities by each of the 21 County Prosecutors' Offices;
- (5) initiation of a State investigation team to probe suspected arson by professional arsonists or arson-for-profit rings, and to assist when local resources were not adequate;
- (6) creation of a Habitual Offenders Unit within the Department of Community Affairs, Division of Housing, to identify and prosecute consistent violators of the fire and building safety codes,
- (7) development and implementation of a Uniform Fire/Arson Incident Reporting System.<sup>1</sup>.

### III. GRANT ACTIVITIES

#### A. Training and Education

##### 1. Arson Investigation and Prosecution Training Course

One of the first major tasks of the Arson Project was the development of effective training programs in the arson area. To this end, a 90 hour, three week course in arson investigation and prosecution was developed. This course was offered four times over

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1. It should be noted that while the Arson Project, generally, and the Reporting Subcommittee of the Arson Advisory Committee, in particular, have monitored and worked with the State Fire Marshal on this task, final responsibility for the reporting system lies with the Office of the State Fire Marshal, which received a separate grant from the Federal Emergency Management Administration (FEMA) for the development and implementation of a reporting system in New Jersey.

the past two years. Two hundred four (204) persons, to date, have graduated from this training effort. This course has been institutionalized within the Division of Criminal Justice Training Unit in order to meet future training needs in this area. The Arson Project Specialist will continue to oversee delivery of this training effort. The next offering of this course is scheduled for May, 1982.

2. Arson Awareness, Detection and Reporting Course

The Arson Project also developed a 21 hour course that would make the line firefighter and the police officer at the fire scene more aware of factors that tend to indicate that a fire is of other than natural or accidental origin. This course is not intended to make these persons arson investigators. Rather, it enables them to make an initial determination as to the cause and origin of a fire, and to seek the assistance of a trained arson investigator where their preliminary determination is that the fire is of a suspicious nature.

The course makes the line firefighter and police officer, who are generally the first persons to arrive at the fire scene, cognizant of factors which, if unnoticed by them, may never be recorded, e.g., the color of the smoke, the extent of involvement of the building upon their arrival, someone seen leaving the burning building, etc.

In addition to the above, a segment was added to this training effort to familiarize the attendees with the use and function of the Uniform Fire/Arson Reporting System developed by the Office of the State Fire Marshal.

Initially, the Arson Project considered the possibility of developing the 21 hour Arson Awareness, Detection and Reporting Course into a sound-on-slide presentation. When it was advised, however, that funding for this training effort was available to the counties through the State Law Enforcement Planning Agency (SLEPA), it opted for live presentations. By the end of April, 1982, 18 of the 21 counties will have delivered this course of instruction utilizing SLEPA funds. The remaining three counties have made application to SLEPA for this funding and should deliver the 21 hour course by mid-year.

### 3. Intern Program

The Arson Project also developed a 35 hour Intern Program designed to afford graduates of either the Arson Project's or the National Fire Academy's (NFA) Arson Investigation Course an opportunity to receive intensive field experience. Four sponsoring agencies are presently used for these efforts. They are the State Police Arson Unit, the Newark Arson Squad, the Camden County Prosecutor's Arson Unit and the Passaic County Prosecutor's Arson Unit. To date, 52 graduates have participated in and completed this program.

The function of coordinating this program has also been assigned to the Division of Criminal Justice Training Unit and the Arson Project Specialist.

### B. Arson Investigators' Registry

A registry identifying all New Jersey persons who have graduated from either the Project's or the NFA's Arson Investigation Course has been compiled and will be distributed throughout the State. It will also include a listing of those

persons recognized, through their years of experience, as bona fide arson investigators.

The registry provides the name, address and telephone number of each person listed, by county. The purpose behind this effort is to foster lines of communication between arson investigators by making them, and agencies which utilize their services, aware of all other arson investigators within the State.

C. Arson Advisory Committee

On September 16, 1980, by Executive Order 95, Governor Byrne created a thirty member Arson Advisory Committee (AAC). The AAC was designed as a vehicle to provide New Jersey with the capability of analyzing arson-related issues from the broad perspective that is necessary in order to design and implement effective programs which can adequately address the State's arson problems.

Interdisciplinary in nature and representing diverse public and private interests, the AAC is divided into six subcommittees which perform the actual work of the Committee. Each subcommittee develops proposals and formulates initiatives which are then presented to the full body for review. Once a recommendation is approved by the full Advisory Committee, it is forwarded to the Governor for his advisement and, subsequently, to the appropriate agency for further action. The six subcommittees are:

(1) Reporting Subcommittee - monitors efforts of the State Fire Marshal in implementing the Reporting System and assists with those efforts.

(2) Legislation/Research Subcommittee - reviews various pieces of State and Federal legislation and regulations which impact upon the arson area and comments accordingly.

(3) Insurance Subcommittee - works in conjunction with the Legislation/Research Subcommittee with a particular emphasis on those issues which effect the insurance industry and consumer.

(4) Funding Subcommittee - develops methods of obtaining funding for various proposals presented by the other Subcommittees, most notably the Prevention Subcommittee.

(5) Prevention Subcommittee - concentrates on areas of public awareness and education. Works in conjunction with the Funding Subcommittee. Together, these two subcommittees have met with various civic groups to discuss their concerns and ideas for dealing with the arson problem in the State.

(6) Training Subcommittee - reviews present training and educational standards in the arson area for both law enforcement and fire service personnel in New Jersey, with an eye toward improving present programs and initiating others.

The Arson Advisory Committee made several recommendations during this past year on pieces of both Federal and State legislation. In addition, it developed guidelines for compliance with the recently enacted Arson Reporting Immunity Statute. This statute provides civil immunity, under certain circumstances, with regard to the exchange of fire loss information between authorized agencies and insurance companies. Its purpose is to facilitate investigations of fire losses and to expedite the apprehension of arsonists involved in arson fraud schemes. The guidelines were disseminated throughout the insurance industry via the Department of Insurance.

The AAC also participated with the New Jersey Fire Prevention Association in a dual poster contest in 1981 with themes of fire prevention and arson awareness and prevention. The winning arson poster will be considered by the AAC for possible use as part of a future statewide anti-arson campaign.

To ensure the continued viability of the Arson Advisory Committee, it has been institutionalized within the Division of Criminal Justice Special Projects Unit. This will enable the Committee to continue to advise the Governor on important arson-related issues. Moreover, a Deputy Attorney General from the Division of Criminal Justice Legislative Services Section has been assigned to monitor all legislation which will impact on the arson area and advise the Arson Advisory Committee accordingly.

D. Comprehensive Statewide Arson Strategy

Utilizing the experience and knowledge gained during the tenure of this grant, the Arson Project developed a statewide strategy which acknowledges that arson is most effectively controlled at the local level. As such, it assigns responsibility for developing adequate arson response capabilities in each of the 21 counties to the County Prosecutor, who is the chief law enforcement officer for his jurisdiction.

Although the State plan does not mandate minimum standards for an adequate response capability, it does provide options which the Prosecutor may elect in developing a control plan for his county. Those options are: 1) creation of an Arson Unit within the Prosecutor's Office, 2) creation of an intra-county Arson Task Force which utilizes all resources available in the particular county, or 3) reliance upon the services of the State

Police Arson Unit where local resources are not adequate to allow for election of options 1 or 2.

E. County Arson Response Capabilities

In compliance with the Comprehensive Statewide Arson Strategy, each County Prosecutor submitted a control plan which demonstrates the arson response capability for his county. Most of the Prosecutors chose to utilize one of the options forwarded in the State plan.

The Prosecutor's Supervisory Section within the Division of Criminal Justice is assigned the responsibility of monitoring county compliance with the statewide strategy.

F. State Investigative Services

1. State Police Arson Unit

Under the provisions of the grant, three additional investigators and an intelligence analyst were added to the force of the State Police Arson Unit. In addition, a Deputy Attorney General from the Division of Criminal Justice was assigned as Legal Advisor to that Unit. These additional personnel enabled the State Police Arson Unit, in addition to its services to individual counties, to become involved in arson investigations of a more complex nature. The results of these investigations are generally presented to the State Grand Jury, rather than a County Grand Jury, for prosecution.

Among the more significant cases handled by the State Police Arson Unit and/or the Legal Advisor during the tenure of this grant were:

- (1) State v. Kevin Madison  
Arson/Homicide

Defendant, a juvenile, set fire to a

building in 1979 which resulted in seven deaths. He was involuntarily waived from the jurisdiction of the juvenile court and tried as an adult. Convicted of arson and seven counts of felony murder, defendant was sentenced to a 30 year term of incarceration with a minimum 10 year term of parole ineligibility.

The adult indicted along with defendant in this matter is presently awaiting trial. It is significant to note that this was one of the cases which served as the impetus for the Governor's Arson Task Force.

(2) State v. Gary Adams

Arson/Homicide

Defendant, a juvenile, set fire to a building which resulted in the death of a firefighter. Tried as a juvenile, he was adjudicated a delinquent on charges of arson and manslaughter. He was given a term of probation conditioned upon his receiving psychiatric treatment.

(3) State v. Anthony DeGregorio

Bank Fraud

Defendant was indicted on charges of bank fraud on August 19, 1981 following an investigation by the State Police Arson Unit into an alleged arson ring in which defendant was involved (SGJ Indictment Number 81-81-10). The arson aspect of that investigation is continuing. Defendant is awaiting trial on the instant three count indictment.

(4) State v. Joseph Costa and Vincent Trapasso

Conspiracy/Arson with Intent to Defraud

Defendants were indicted on November 25, 1981 on four counts of conspiracy and arson with intent to defraud

(SGJ Indictment Number 85-81-1). The indictment resulted from a State Police investigation into a fraud scheme developed by defendants in which one paid monies to the other in exchange for the latter setting fire to the former's dwelling house and the former then submitting a claim to his insurance company for damages occurring as a result of the fire to that dwelling. Defendants are awaiting trial on these charges.

(5) State v. Clifford Rushing, et al.  
Arson/Official Misconduct

This indictment, which was the result of a joint investigation by the State Police Arson Unit and the New Jersey Forestry Service, established that a Section Fire Warden (Assistant Forester) and a District Fire Warden in the employ of the New Jersey Department of Environmental Protection, Division of Parks and Forests, Bureau of Forestry Management, were engaged, with others, in a course of criminal conduct whereby forest fires were caused to be set in the Morris-Sussex Counties area of New Jersey. (SGJ Indictment Number 85-81-2).

The indictment, which was handed up on February 8, 1982, included counts of conspiracy in the second degree, official misconduct, arson in the first degree, arson in the third degree and malicious burning of woods.

The three investigative positions funded under the grant to the Arson Unit are being continued by the State Police. In addition, appropriations are being requested to continue funding for the analyst's position. The Deputy assigned to the Arson Unit will continue to serve as Legal Advisor to the Unit and to prosecute those investigations developed by the Unit for State Grand Jury presentation.

## 2. Laboratory Activities

Positions for two chemists and a laboratory technician were funded under the grant. In addition, grant monies provided for the purchase of a gas chromatograph, a trapping concentrator, and other specialized equipment for arson investigation. The experiments conducted with the gas chromatograph have resulted in the State Police laboratories now being able to determine the presence of hydrocarbons in evidence which heretofore yielded negative readings when tested. Three portable air pumps were also purchased, which enable the arson investigator to collect air samples directly from the fire scene.

The two forensic chemists and the laboratory technician funded under this grant were placed in vacant State Police positions as of January 1, 1982, and are currently being funded under the existing State Police budget. Work on the gas chromatograph and trapping concentrator is also being continued. The State Police will also attempt to purchase additional portable air pumps for its investigators.

### G. Habitual Offenders' Unit

In order to implement what was believed to be a significant and unique aspect of the grant application, a Deputy Attorney General from the Division of Law was assigned to the Department of Community Affairs, Division of Housing, to direct a Habitual Offenders' Unit

The Unit was created to direct attention to those property owners whose properties are continually found to be in violation of the State's fire and building codes. It also identifies and develops files on owners who consistently fail to

abate cited violations<sup>2</sup>.

For a number of reasons, the Habitual Offenders' Unit has not, as of the date of this report, achieved all of the goals originally set for it. First, identification and assignment of a Deputy for this position was not made until October, 1980. Further, the Compliance Section of the Division of Housing was unable, initially, to fully assist this Deputy in developing habitual offender files. One reason for this was the lack of sufficient personnel who could be permanently assigned to the Unit. This problem was remedied, however, when the Division of Housing received a \$56,000 budget appropriation for fiscal year 1981-82 to fund a Habitual Offenders' Unit. This funding provided for a Coordinator to directly assist the Deputy in identifying and developing cases, two full-time inspectors and a clerical position. Unfortunately, shortly after this appropriation was made, the Deputy assigned to the Unit was transferred. This was in October, 1981, and it took another month to again fill that position.

More importantly, however, is the recognition, upon reflection, that there was perhaps a sense of overzealousness as it related to the development of the original goals set for this Unit. This is attributable, at least in part, to a failure to fully comprehend the intricacies involved in an undertaking of this nature.

Now that the logistical problems are resolved, the Unit appears committed to the task at hand. Hopefully, the experiences of the first 14 months will enable the Unit to increase

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2 Although funding for the Deputy's position was provided by grant monies, primary responsibility for development of the Habitual Offenders' Unit was borne by the Department of Community Affairs.

its productivity in the months and years ahead, for it is still our belief that such a unit can provide a significant impact on the identification and prosecution of habitual offenders within the State.

H. Uniform Statewide Fire/Arson Incident Reporting System

One of the first problems identified by the Arson Task Force was the lack of any valid statistical data from which meaningful conclusions could be drawn concerning the number of fires which occur in the State in any given year, and the resulting loss of human life and property damage which results therefrom. Creation of a Statewide Fire Incident Reporting System was deemed essential to fully understand and rationally treat the problem of arson. To obtain this objective, the Office of the State Fire Marshall was awarded a multi-year grant from the Federal Emergency Management Administration (FEMA) to develop and implement such a system.

To aid in this effort, Governor Byrne issued Executive Order 84 on December 26, 1979, which transferred the Office of the of the State Fire Marshal from the Department of the Treasury to the Department of Law and Public Safety, under the Attorney General. This transfer placed the State Fire Marshal and his staff under the same umbrella as the Division of Criminal Justice, the Division of State Police, and the Division of Systems and Communications. Specifically, the Office of the State Fire Marshal was allocated to the Division of State Police.

The National Fire Protection Association (NFPA) originally developed a reporting form which was later adapted by the United States Fire Administration into the National Fire Incident Reporting System (NFIRS). The form used in this system (initially the 901 and later the 902 form) was used as a model for the New

Jersey reporting system. Significantly, however, New Jersey added a section for incendiary and suspicious fires and a section for forest fires. In addition, the back of one of the forms was developed to allow recordation of in-house information which is utilized by the local fire department.

Discussion of the reporting system at this point in the report is not intended to understate its importance. Rather, it is because the development and implementation of this system is a direct responsibility of the Division of State Police and the Office of the State Fire Marshal, and not the Arson Project. It was, however, a major recommendation of the Arson Task Force and the Arson Project has played an active role in assisting the State Fire Marshal in his efforts.

Specifically, the Arson Project worked with the State Fire Marshal in modifying the basic NFIRS form to accommodate the needs of New Jersey. More recently, the Reporting Subcommittee of the Arson Advisory Committee has been assisting the State Fire Marshal in the implementation of this system.

Training in the use of the reporting form was accomplished through two means: (1) the sixth segment of the Project's Arson Awareness, Detection and Reporting Course, as described above, which was directed toward training individuals in the use of the form, and (2) on two occasions, the United States Fire Administration sent representatives to New Jersey to train cadres of instructors in the Reporting System so that they, in turn, could teach others in their respective counties to use the system.

A decision was made early in the project that it was not feasible to initially make use of the reporting form mandatory.

This is due basically to the composition of the fire service in New Jersey, which is 90% volunteer. We have found, however, that the volunteers are willing to take the training necessary to use the form and most are willing to use it in practice.

A pilot program was started in Middlesex and Union Counties in July 1980, and ran until July 1981. Since that time, nine other counties have begun to use the system. As mentioned above, it is anticipated that by mid-year all 21 counties will have received training in the use of the system.

The State Fire Marshal is presently developing a liaison system which will identify a person in each county who will receive the completed forms from the fire departments in his area and forward them to the State Fire Marshal for processing. The subsequent printouts will be returned to this liaison, who will disseminate them to the appropriate agencies.

#### I. Other Activities

The above represents the major activities undertaken during the grant period. Below are listed those other activities, which while perhaps not major, were nonetheless significant.

##### 1. Hotline

Utilizing one of the thirty-second videotapes provided by the Hartford Insurance Company as a public service for the United States Fire Administration, the Arson Project developed successive public service announcements utilizing first, Attorney General John Degnan and later, Attorney General James Zazzali to advertise the toll-free arson hotline which is available 24 hours a day. Audio portions of the videotape were also made, as well as written public service announcements in both English and Spanish, which could be

used either in conjunction with or in lieu of the tapes. These announcements were distributed to 13 television stations and 125 AM and FM radio stations in the metropolitan area. These public service spots were generally well received by the stations involved and resulted in significant advertisement of the hotline to the citizens of New Jersey.

## 2. Legislation

The following major pieces of legislation were passed during the tenure of the Arson Project:

- a. Payment of Tax Liens on Fire Damaged Properties - N.J.S.A. 17:36-8 (2/4/80).
- b. Arson Reporting Immunity Statute - L. 1981, c. 45 (eff. 2/19/81, to be codified at N.J.S.A. 17:36-14).
- c. Forest Fire Prevention and Control Act - L. 1981, c. 369 (12/30/81).
- d. Creation of Arson Investigation Units Within Paid or Part-Paid Fire Departments in Certain Instances - L. 1981, c. 409 (1/7/82).
- e. Jurisdiction at a Fire Scene - L. 1981, c. 435 (1/9/82).

In addition, the Arson Advisory Committee made recommendations on several other bills which, unfortunately, died with the end of the 1980-81 session of the Legislature:

- a. S-453 - Licensing of Public and Independent Adjusters.
- b. S-1228 - Increased Penalties for Arson and Aggravated Arson.
- c. S-1555 - Anticipated Demolition Costs (an amendment to the tax lien statute - N.J.S.A. 17:36-8).

d. S-1656 - County Fire Marshal Bill.

e. S-3370 - Enhanced Arson Penalties.

Several major amendments to the Penal Code provisions for arson and related offenses were also made during the grant period. New Jersey's arson laws are now among the toughest in the nation. In addition, New Jersey enacted a chapter on Racketeering into the Code, which has provisions applicable to arson offenses (L. 1981, c. 167, N.J.S.A. 2C:41-1, et seq., eff. 6/15/81).

A requirement under the Hotel and Multiple Dwelling Act that all buildings which fall within the purview of that Act install smoke detectors became effective in January 1981 (L. 1979, c. 419, N.J.A.C. 5:10-19.11(c) and (h)).

### 3. Juvenile Firesetter Counselling

On two occasions, the Arson Project brought in instructors from the United States Fire Administration to lecture on juvenile firesetter counselling. The lectures were regionalized to afford as many persons as possible a chance to attend one of the seminars.

## IV. PROJECT DIRECTOR'S COMMENTS

Although the Arson Project, per se, terminated on December 31, 1981, most of the major grant objectives were met. More importantly, however, is the fact that the significant inroads made by the Project, i.e., training and education, county control plans, the Arson Advisory Committee, etc., have been institutionalized to ensure that the progress made to date is not lost with the demise of the Project. By continuing these efforts, New Jersey can maintain an active effort in the fight against arson.

Obviously, not all grant objectives were completed. And some which the Arson Advisory Committee worked on, as outlined above, did not come to fruition. The fact that this advisory body remains viable, however, will ensure that the initiatives not reached or completed under the grant will be addressed in the future.

Although its final report is not yet available, it would be safe to say that when Abt Associates' report card on State and local arson grantees is released, New Jersey will rank high among those states which have efficiently utilized the grant monies awarded them in enacting effective, long-term anti-arson measures and programs<sup>3</sup>. The State's efforts, as outlined above, to continue these measures demonstrates its continued commitment to the arson problem in New Jersey.

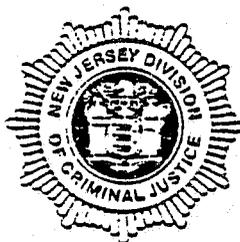
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3. In the summer of 1979, Congress enacted the Justice System Improvement Act. Among the provisions of this act was a requirement that the administrator of the Law Enforcement Assistance Administration (LEAA) report to Congress on whether grants made to states or units of local government made a contribution toward combatting arson. In response to this act, the LEAA created the Arson Control Assistance Program (ACAP) in 1980. ACAP was the largest of several LEAA funding initiatives aimed at controlling arson.

Under the ACAP program, LEAA awarded grants totalling over 9 million dollars to 34 state, county and municipal jurisdictions with the overall objective of assisting them to reduce arson losses. New Jersey was among these recipients.

Abt Associates, of Cambridge, Massachusetts, was awarded a grant by the LEAA to evaluate these ACAP-supported projects and to compile into a single volume current information on arson control strategies, how well they appear to work and under what circumstances "success" with these strategies is most likely. New Jersey was one of 18 projects selected for on site visits. Abt Associates made two such visits to New Jersey during the period of our grant.

Abt's report to LEAA is expected shortly.

NEW JERSEY  
COMPREHENSIVE STATEWIDE  
ARSON CONTROL STRATEGY

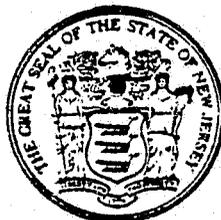


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FUNDED BY

THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
(LEAA)

OCTOBER 1981

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## I. Introduction

The New Jersey Statewide Arson Control Strategy is funded by a discretionary grant awarded to the New Jersey Division of Criminal Justice through the Law Enforcement Assistance Administration (80-DF-AX-0017). It is administered and coordinated by the New Jersey Division of Criminal Justice.

The Arson Project began operation on January 2, 1980. The two year grant will expire on December 31, 1981. The activities undertaken by the Project are diverse in nature and comprehensive in scope. It attempts to combat arson by improving the skills of those involved in detection, investigation and prosecution, and by establishing cooperative, working relationships among the various agencies involved in arson control.

Several of the grant objectives of the Arson Project are taken directly from the recommendations made by the Governor's Arson Task Force. The Task Force, which was convened in early 1979, was organized and charged with the responsibility to study the nature and magnitude of the arson problem in New Jersey; to identify causal factors associated with the problem; to assess the State's present response to the crime of arson, and, finally, to explore avenues for the development of an effective and comprehensive statewide strategy. The organization of the Task Force was, in itself, a major step toward achieving this goal in that it provided the opportunity for the members to meet and work together for the first time in the type of concerted, interdisciplinary effort that has come to be recognized as a necessary vehicle for effective arson reduction.

In June of 1979, when the Task Force compiled its report, it noted that:

We are convinced that the primary means for bringing about effective arson control in New Jersey should be through the implementation of a vastly improved method of detection, investigation and prosecution. Arson is, after all, a serious and deadly crime. It is also very complex and difficult to prove. An effective law enforcement response must guarantee that highly-skilled and well-equipped personnel are available in sufficient numbers to properly detect and investigate all incendiary fires and to maximize the possibility of arrests and convictions. It is universally recognized that when such a response is forthcoming, arson is reduced dramatically. [Report of the Arson Task Force, p. 91].

Effective arson investigation requires the existence of highly-skilled, well-equipped investigators who can provide an immediate response to the fire scene. Ideally, they should be on call 24 hours a day. Given New Jersey's governmental structure and its geographical configurations, the foundation for an adequate statewide investigative response to arson must be directed at the county level. Specifically, this response capability should emanate from the County Prosecutor's Office. The rationale behind this recommendation is two-fold:

1. Arson is most effectively fought at the local level.
2. The County Prosecutor is the chief law enforcement officer in his county.

In addition, an effective response capability must consist of several basic components. Foremost among these is the importance of the interdisciplinary approach. Prosecutors, investigators and fire-scene specialists, wherever possible, should be combined together into an arson unit. Secondly, the selection of personnel for that unit must receive a high priority. If the Prosecutor

assigned has only limited interest in the area, or the fire scene specialist's only qualification for that position is that he can no longer climb a ladder, the unit is doomed to failure. In particular, the investigative compliment must be staffed with both detectives who have marked abilities in street type investigations, as well as those whose forte is books and records. Thirdly, the unit must be trained as a team. The fire scene specialist must develop an appreciation for the legal requirement of proof in a courtroom, and the prosecutor and investigators must develop expertise in firematics. All three must become sensitive to the problems, limitations, capabilities and points-of-view of the others. Finally, every effort must be made not to dilute the resources of the unit by temporary assignment of personnel to other investigations.

The unique geographic and demographic make-up of New Jersey requires each county to make an individual assessment of its own needs in developing an adequate arson response capability. To this end, no minimum standards, per se, are delineated in this plan. However, to ensure a comprehensive statewide strategy, each County Prosecutor is requested to develop a formalized, written strategy which details the arson response capabilities, including jurisdictional guidelines, for his county. This strategy will be filed with the Division of Criminal Justice. The 21 county plans, together with this overall arson strategy, will comprise the comprehensive statewide arson control strategy for New Jersey.

## II. ARSON RESPONSE CAPABILITY AT THE STATE LEVEL

The major emphasis of this Statewide Arson Control Strategy is directed at the county level. This is because our experience to date indicates that arson

is most effectively controlled at the local level. We recognize, however, that in certain instances, specifically, in the areas of arson-for-profit, inter-county arson rings and other forms of organized crime, the criminal activity may transcend counties or be pervasive throughout the State. The New Jersey State Police Arson Unit, with its statewide jurisdiction, would assume initial responsibility for cases of this nature. Personnel from each of the counties involved would be assigned to work with the State Police Arson Unit in the development of the investigation. At such time as the investigation is completed, it would be decided, based upon the nature and extent of the criminal enterprise involved, whether the matter should be presented to a grand jury in one of the counties or to the State Grand Jury.

The State Police laboratories have developed expertise in the use of gas chromatographs and trapping concentrators which can definitively and positively test for the presence of hydrocarbons in a given air space. These investigative tools are presently being utilized by the State Police Arson Unit in its investigations. There is available to the State Police Arson Unit a Deputy Attorney General from the Division of Criminal Justice who serves as a legal advisor to the State Police Arson Unit. This Deputy is also responsible for presenting those cases developed by the State Police Arson Unit to the State Grand Jury in appropriate instances. Where true bills are returned, these matters are then prosecuted by the Division of Criminal Justice.

The State Police Arson Unit may also be utilized by County Prosecutors whose own available resources are insufficient to adequately service the needs of their counties. (See III C., below). In these instances, an assistant

prosecutor should be made available to the State Police Arson Unit to assist it in developing its investigation, with an eye towards prosecution at the county level.

### III. ARSON RESPONSE CAPABILITY AT THE COUNTY LEVEL

#### A. Arson Units Within the Prosecutor's Office

Obviously, the creation of arson investigation units at the county level requires the commitment of considerable resources. In some cases, this may be accomplished by a shifting of priorities, but in most instances there will simply be a need to find much more manpower. This is especially true in counties where there are predominantly volunteer fire departments with limited ability to recognize and detect arson. This situation has been greatly ameliorated, however, by the training of line firefighters and police officers at the fire scene in arson awareness and detection. With such training, local police and fire departments can do initial determination of cause and origin and call in qualified, investigative units when a fire is deemed to be suspicious or incendiary in nature. Such a unit is generally comprised of one or more investigators who are trained in arson investigation, coupled with a legal advisor who is generally the assistant prosecutor assigned to prosecute the arson cases in that office.

Although trying an arson case is not much different from trying any criminal matter, a prosecutor who has a knowledge of building construction and an understanding of the chemistry of fire, as well as a solid background in search and seizure law, including administrative warrants, is in a much better position to assist the inves-

tigators in developing a case for prosecution. The prosecutor should be well versed in the various crimes and offenses chargeable in arson cases. In particular, the prosecutor should think creatively in drawing an indictment and utilize the various, alternate theories of prosecution which are now available under Title 2C of the Penal Code. Alternative theories of prosecution are essential to increasing the overall conviction rate in the arson area, especially where a conviction for the arson itself is unobtainable. To this end, we have found that, whenever possible, assigning a specific prosecutor to the arson unit is more effective than assigning arson cases on a rotating basis to various assistants within an office.

B. Countywide Arson Task Forces

When the resources immediately available to a prosecutor do not allow for a separate arson unit within that office, the prosecutor should reach out for other resources available to him in his county. Local police departments and fire departments should be willing to assign investigators to a countywide arson task force. One possible approach is to make local personnel responsible for preliminary fire scene investigations so that the prosecutor's staff can focus on in-depth investigations. Additionally, in some counties there are fire marshals and county police departments that could also participate in such a task force approach. As the chief law enforcement officer in the county, the prosecutor should make

every attempt to tap all public safety resources in his jurisdiction that might be available to support an adequate investigative response to arson.

The assignment of a legal advisor to the arson investigation unit, preferably on a full time basis, again, is an important concern. Complexities of the arson case dictate the need for a specially trained prosecutor who can enter the case at an early stage. The high rate of arson cases that are presently dismissed before trial in New Jersey amply documents this need. Recent court decisions which cite the necessity of obtaining search warrants for fire scene investigations only increase the need for legal assistance to an arson unit. Where resources dictate that a prosecutor cannot be assigned full time to such an arson unit or arson task force, a trained legal advisor should be available on an on-call basis.

C. New Jersey State Police Arson Unit

Where the geographical make-up of the county or the resources available to the county prosecutor are not sufficient to constitute an adequate arson response capability, the prosecutor should avail himself of the State Police Arson Unit. This Unit is available throughout the State. This highly trained and skilled unit is available either as an augment to an already existing arson response capability, or as the sole arson response capability in certain instances. In addition to the investigative capabilities of the State

Police Arson Unit, local law enforcement agencies should utilize the State Police laboratories for analysis of evidence when the need arises.

D. Establishment of Arson Investigation Units  
In Large Urban Fire Departments

In certain instances, it may prove necessary for a county with an extremely large urban population to establish a separate arson investigation unit whose jurisdiction is limited to that urban area. This approach is followed in many areas of the country and is generally quite successful. In New Jersey, the Newark Arson Squad is an excellent example of an effective arson investigation unit working out of the fire department. The City of Irvington has recently instituted a similar unit for its City. Wherever such units are created, the firefighter assigned to such a unit should be required to attend basic police training courses, and an approved arson investigation course before actually beginning such an assignment.

1. Senate Bill 3333

To ensure that these requirements are met, Senate Bill 3333 was recently introduced. This Bill would authorize the creation of arson investigation units in certain fire departments in the State. Specifically, the governing body of any municipality which has established a paid or part-paid fire department or force may, by ordinance, create an arson investigation unit within the fire department or force and provide for the maintenance, regulation and control thereof. The arson investigation

unit shall be responsible for conducting investigations of arsons, suspicious fires or explosions within that municipality.

Only paid members of a paid or part-paid fire department or force may be assigned to an arson investigation unit created pursuant to this legislation. Before any member could be assigned to an arson investigation unit, he must successfully complete a basic training course for police officers approved by the Police Training Commission, as well as an arson investigation training course approved by the Department of Law and Public Safety. In addition, any member of a fire department or force who is assigned to an arson investigation unit pursuant to this act, must attend and successfully complete any in-service training programs required by the Division of Criminal Justice. Once a member is assigned full time to an arson investigation unit pursuant to this act, that person shall have the same powers and authorities of police officers within that municipality while engaged in the actual performance of arson investigation duties. As with arson units established within the Prosecutor's Office or countywide arson task forces, arson squads formed pursuant to S.3333 should be responsible to the County Prosecutor.

This legislation, when enacted, should serve as an additional resource tool available to the County Prosecutors who have large urban areas within their jurisdiction. This legis-

lation is not meant to imply that police departments should never house individual arson units. If a police department can staff an effective unit, it should be encouraged to do so.

#### IV. JURISDICTION AT THE FIRE SCENE

The inadequacy of our present response capability to the crime of arson is caused in part by the lack of clear lines of responsibility at the fire scene. In a recent questionnaire completed by the 21 County Prosecutors, only 43% (9 counties) felt that at present they had an adequate arson response capability. 71% (15 counties), however, believed that their office was effective in prosecuting arson cases. In response to a question directed at who is responsible for investigating arson in their particular jurisdiction, 57% (12 counties) claimed to have adequate jurisdictional guidelines in this area. Of the remaining 43% (9 counties) who do not presently have adequate jurisdictional guidelines, 78% (7 out of the 9 counties) of that group agreed that jurisdictional guidelines were necessary for the effective investigation of suspicious fires.

Mere allocation of additional resources will not resolve this problem. County Prosecutors should, in conjunction with local police and fire chiefs, and in cooperation with the Division of Criminal Justice, develop specific guidelines for arson control responsibilities in their respective counties. These guidelines can take the form of an informal notice or a formal directive from the County Prosecutor.

As indicated above, the County Prosecutor, as the chief law enforcement officer for his county, should act as the focal point for all arson investigations and prosecutions within his county. Given the limited resources available to him,

however, he must avail himself of the other resources in his county. Specifically, the County Prosecutor must establish a working relationship with both the local police and fire chiefs within his jurisdiction. The Division of Criminal Justice's Arson Project's 21 hour Arson Awareness, Detection and Reporting Course has proven helpful in this regard. By the end of 1981, it is anticipated that 20 of the 21 counties in New Jersey will have offered this course of instruction to the line firefighters and police officers in their counties.

The major thrust of this training is geared toward making the line firefighter and the police officer at the fire scene more acutely aware of their responsibility to observe and record that which they see or hear at the fire scene. By so doing, they are in a better position to notify the appropriate authority when, in their estimation, they believe the fire to be of a suspicious or incendiary origin.

This training does not require or expect the line firefighter or police officer with control responsibilities to investigate the fire scene. It merely requires him to be more aware of his surroundings in terms of noting telltale signs which may indicate a fire is of other than natural origin. Once this assessment has been made, he should notify his commanding officer who, in turn, should notify the County Prosecutor. At this point, the County Prosecutor can dispatch those persons in his county who have been assigned the responsibility of investigating suspicious fires. This may be done by employing any of the methods outlined above.

#### V. INVESTIGATIVE AND PROSECUTORIAL AIDS

##### A. New Jersey Uniform Fire and Arson Incident Reporting System

One of the first observations made by the Governor's Arson Task

Force was the fact that there is a dearth of valid, statistical data in New Jersey from which any meaningful conclusions may be drawn as to the number of fires that occur in the State in a given year, the resulting property damage, personal injury and loss of life therefrom, and the number of fires that are determined to be suspicious or incendiary in origin. One of the major recommendations of the Arson Task Force was the establishment of a Uniform Fire/Arson Incident Reporting System. Such a system is presently being developed by the Office of the State Fire Marshal through a grant from the Federal Emergency Management Association.

This reporting system, which has been used on a pilot basis in Union and Middlesex Counties since July of 1980, is now at a point where statewide implementation is possible. As mentioned above, 20 of the 21 counties will have completed training in arson awareness, detection and reporting by the end of 1981. This will enable those persons trained to utilize the reporting system. In addition, 50 persons throughout the State, at least one from every county, have been trained to train other persons in the use of this reporting system.

While it is recognized that it will take time before the system is fully operational, results today indicate that the system is capable of providing meaningful and conclusive data on fire and arson throughout the State. The long range success of this reporting system will be dependent upon the cooperation of the local fire and law enforcement communities. The system is not mandatory and vol-

untary compliance is necessary in order to ensure its success.

B. Arson Reporting Immunity Statute

Another tool available to investigators and prosecutors is the recently enacted Arson Reporting Immunity Statute (P.L. 1981, c. 45, effective 2/19/81, to be codified at N.J.S.A. 17:13-14).

The Arson Reporting Immunity Statute does basically four things:

1. It provides when an authorized agency may request information from an insurer.
2. It mandates when an insurer must notify the County Prosecutor of a fire loss in which it has an interest and what information it must provide.
3. It provides civil immunity to an insurer or its representative for complying with the provisions of the statute and the absence of a showing of actual malice on the part of the insurer or its representatives.
4. It provides for reciprocity of information to the insurer in certain instances.

Under this law, any authorized agency<sup>1</sup> may request, in writing, that an insurer<sup>2</sup> release to it any information which is relevant<sup>3</sup> to a loss by fire of real or personal property which is under investigation by that agency. The insurer shall release the information to

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<sup>1</sup> As used in the statute, "authorized agency" means any law enforcement agency or agency of instrumentality of the state, county or municipality or the federal government which is charged with the responsibility of investigating fires.

<sup>2</sup> As used in the statute, "insurer" means any domestic, foreign or alien insurer or surplus lines insurer and the New Jersey Insurance Underwriting Association created pursuant to Public Law 1968, Chapter 129 (N.J.S.A. 17:37a-1 et seq.)

<sup>3</sup> As used in the statute, "relevant information" means any information having any tendency and reason to prove any material fact.

and cooperate with the authorized agency requesting the information as permitted by the statute. Such information may include, but is not limited to:

- a) pertinent insurance policy information relevant to a fire loss under investigation and any application for such a policy;
- b) policy premium payment records;
- c) history of previous claims made by the insured;
- d) material relating to the investigation of the loss, including statements of any person, proof of loss and any other evidence relative to the investigation.

When an insurer has reason to believe that a fire loss in which it has an interest may be of other than accidental cause, the insurer shall, for the purpose of notification and for having such fire loss investigated, notify the County Prosecutor of the county wherein the fire occurred and provide the County Fire Marshal with any and all material developed from the company's inquiry into the fire loss. The County Prosecutor shall furnish the information requested to the authorized agency responsible for the investigation of the fire.

New Jersey has joined some 40 other states in enacting arson immunity legislation. This should prove to be an invaluable aid in the investigation and prosecution of future arson cases. It should prove to be an extremely useful tool, especially in the investigation of paper trail cases.

C. Other Resource Tools

1. Federal Assistance - Available, where necessary, are

several federal agencies. The United States Attorney's Office for the District of New Jersey is interested in those cases involving federal crimes such as mail fraud or federal RICO violations. The Federal Bureau of Investigation, and to a lesser extent, the Bureau of Alcohol, Tobacco and Firearms, have jurisdiction in certain instances of arson or suspicious fires and should be contacted in the appropriate case.

2. Arson Advisory Committee - Executive Order No. 95 provided for the creation of the Arson Advisory Committee, which is presently comprised of 30 members. The Arson Advisory Committee provides an organizational mechanism whereby the diverse, public and private interests represented by the member agencies and organizations coordinate their anti-arson efforts on a local, county and statewide level.

Acting in an advisory capacity to the Attorney General, who sits as chairperson, and the Legislature, the Arson Advisory Committee, among other things, works with county and local government officials, as well as other interested public and private organizations and persons to discuss possible coordination, consolidation or modification of arson control and prevention programs when such action will make these programs more effective.

This Committee should be utilized where a particular arson problem extends beyond the jurisdiction of one particular county

or is considered a statewide problem which should be addressed at the State level.

3. Habitual Offenders Unit - There is established within the Division of Housing a Habitual Offenders Unit whose goal it is to identify and prosecute those property owners whose buildings are continually in serious and flagrant violation of various building and fire codes. This Unit should be utilized as a resource tool for identifying properties which are ripe for arson. In addition, local enforcement agencies can assist this Unit by providing information on buildings which are in violation of existing codes and property owners who do not take steps to abate those violations.

4. New Jersey Arson Hotline - New Jersey has a toll-free arson hotline which is connected to the State Police Arson Unit. The line is open 24 hours a day. The toll-free number is: 800-792-9722. This hotline should be used by any person with information about a suspicious fire.

5. Reward/Award Programs - Other resource tools which may prove effective in combatting arson include reward/award incentive programs such as the recently enacted program in Bergen County, or the Crimestoppers Program in Atlantic County. In the Bergen County instance, local insurance carriers were willing to donate the money for the award program.

VI. CONCLUSION

This control plan is aimed at establishing an adequate arson response capability through the State of New Jersey. In order to provide a thorough arson response capability, it is necessary to recognize that arson is best handled at the local level. To this end, the State plan recognizes that the County Prosecutor is best qualified to exercise the primary leadership role for his county. In turn, the County Prosecutor should avail himself of all the resources within his county in establishing either an arson unit within his office, an intracounty arson task force, or utilizing the resources of the State Police Arson Unit. Together with enacted and pending legislative tools, New Jersey can successfully arrest the growing arson problem. It will only be through a cooperative and unified effort that such results can be accomplished. The team approach is the only way in which arson will be successfully combatted.

It is recognized that the steps outlined in this control plan will not necessarily be immediately achievable. It does, however, present goals which the law enforcement and fire service communities should strive for. Cooperation among and between the various public and private organizations throughout the State is essential to any type of comprehensive strategy for combatting arson in New Jersey.