

ARSON-FOR-PROFIT: ITS IMPACT ON STATES AND LOCALITIES

HEARINGS
BEFORE THE
SUBCOMMITTEE ON
INTERGOVERNMENTAL RELATIONS
OF THE
COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
NINETY-FIFTH CONGRESS
FIRST SESSION

DECEMBER 14 AND 15, 1977

Printed for the use of the Committee on Governmental Affairs



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THE NATIONAL PROBLEM OF ARSON

MARTIN E. GRIMES, NFPA Assistant Vice-President
for Government Affairs

The Subcommittee on Special Small Business Problems of the US House of Representatives Committee on Small Business held a series of hearings earlier this year on crime and its effects on small business. Mr. Grimes was invited to testify before the Subcommittee. His testimony, which he presented on April 28, 1977, follows.

Magnitude of the Arson Problem

Arson has become a major national problem. In the ten years from 1964 to 1974, the number of reported fires of incendiary or suspicious origin grew from 30,900 to 114,000, an increase of about 237 percent.¹ In 1975, the number increased by 30,000 to 144,000, an annual increase rate of 25 percent. The 1976 returns are expected to show similar escalation.

What is even more indicative of the problem is the much greater increase in the monetary losses resulting from these fires — from \$60 million in 1964 to \$550 million in 1974. In 1975, a further increase occurred to \$633 million. This loss was larger than from any other known cause of building fires. These figures are conservative, based on reported losses. It is believed that the actual and indirect losses are much greater, perhaps even as high as \$4 billion.

Arson fires are estimated to be responsible for the deaths of about 1,000 persons, including 45 fire fighters, each year.

Mr. Grimes has worked in the field of fire protection for 33 years. During that time, he conducted several arson investigations and instituted several coordinated fire-police arson programs. Before assuming his present position, he was for six years Director of the NFPA's Public Protection Division.

¹ These figures are taken from NFPA fire records.

These figures are based on fires that are known to have been deliberately started, but there are many fires that are classified as of unknown origin, and it is the opinion of many investigators and other officials that as much as 50 percent of these are probably maliciously set. If this is the case, about 40 percent of the total losses in building fires could be said to be the result of arson.

Socio-Economic Trends

It is accurate to say that the pattern and incidence of arson can be linked both to the economy and to social problems.

In the depression years of the 1930s, there was a sharp growth in fires set to collect insurance. A decline in arson occurred with return of a stable economy, and continued with no alarming trends occurring until the second half of the 1960s.

A major increase in arson occurred along with the unrest associated with the latter part of the sixties — first in property, in areas affected by urban riots, and then in colleges, schools, and premises related either directly or indirectly to the Viet Nam war.

As social unrest declined in the seventies, a change in the arson incidence occurred with less social protest arson, but more fraudulent arson — this being directly

related to the economy, and to the fiscal difficulties of maintaining urban properties.

There has also been a steady growth in the amount of arson of what might be described as indiscriminate vandalism, indicative of a general social disregard for the property of others.

There are other reasons for fire setting, such as revenge, compulsive actions, and related motivations; these appear to be comparatively constant contributors to the arson losses and not much affected by social or economic changes.

Public Attitudes

Arson does not seem to alarm the public in the way that most other crimes do. As with fire generally, the attitude seems to be that it is going to happen to the other person.

Yet arson kills in quantities; it causes losses that in any other crime would initiate an outcry for police action.

Fire does not respect property boundaries and often spreads to destroy neighboring buildings; it puts people out of work for long periods; it also requires increases in insurance premiums to offset losses. These losses are paid by everyone eventually; they do not come out of some bottomless reserve of cash. To assume that arson is the concern of the insurance industry alone is a serious mistake.

Motivation

Arson is often referred to as a "white collar" crime. While this term might apply to some aspects, particularly to fraud, it is a misnomer. Arson is committed by a wide range of personalities, and for differing motives:

Fraud: An obvious motive, usually to collect insurance; sometimes to gain abatement of taxes.

Cover of Other Criminal Activity: Arson used to destroy evidence of some criminal act such as murder, theft, embezzlement, etc.

Revenge: Arson used to satisfy demand for retribution for some injustice received, whether real or imagined; e.g., dissatisfied or fired employee, family feud, etc.

Protest: Arson used to demonstrate dissatisfaction with social or related action.

Vandalism: Indiscriminate destruction of property for no apparent reason. Sometimes used for relief of pent-up feelings, for thrills, and for gang initiation.

Compulsive Fire-Setting: The starting of a fire for no apparent reason other than an overwhelming desire to do so. This includes the so-called pyromaniac. Psychologically, there are deep-seated reasons for these acts, and much research has been done in this area going back as far as the turn of the century.

Recognition: Fires started to gain recognition, either for apparent heroics in the subsequent action, or merely for the importance of being the reporter of the fire. Sometimes this is also a symptom of compulsive actions.

The foregoing are the principal motives for setting fires. In some cases, there are combinations of motives.

The motive that appears to contribute to the largest monetary losses, under current economic conditions, is fraud. Loss of life is more likely to occur in fires with revenge or compulsion as the motive. Deaths do, however, occur under all motivational circumstances.

Arson Personalities

The arsonist cannot be stereotyped. He can come from any level of social strata and from any level of economic substance. Ethnic origins have no particular relevance; neither has educational background.

This situation is understandable if one considers the wide range of possible motivation, and particularly the current public apathy toward arson. However, this does not mean that everyone will commit arson. The presence of strong deterrents, if they existed, would probably be as effective with this crime as with others, except in the case of compulsive action. The lack of an arson stereotype does, however, make investigation more difficult, and the apathy makes arson seem to be currently morally acceptable to some people.

On examining the motives for arson, the possible personality of an arsonist may begin to appear, but again, there is no stereotype. The firesetter who is compulsive often exhibits characteristic behavior that a trained observer could recognize.

The person with revenge motives may show or have shown some overt indications of his attitude, but often he appears no different than anyone else. Generally speaking, there are few outward personality indicators of an arsonist.

In the case of arson for profit, the owner is not always directly involved with the actual act, contrary to general belief. It is possible to obtain the services of an arsonist for anything from \$100 to \$20,000, depending on the scope and extent of the work to be done.

There are professionals who operate either in arson rings or individually and use sophisticated techniques, and there are others who will do a crude, but often effective, job for practically nothing.

It has been suggested that the problem runs even deeper, and that there is a complicated, organized criminal network that acquires properties in bad financial or deteriorated structural condition through fronting holding companies and, after taking out substantial insurance, arranges for an arsonist to go to work on the premises.

Irrespective of the depth of organizational arrangement involved, it is a fact that fire for profit has taken a strong upward swing in recent years.

Certainly the temptation to burn out a failing business and claim insurance is great, particularly if detection and prosecution are unlikely to follow.

Modus Operandi

The methods used to set fires are many and varied. Depending on the motivation, the desire to avoid subsequent detection, and the technical knowledge of the arsonist, the ignition can range from simple matches or a cigarette lighter through many devices to a self-igniting, delayed-action chemical. Timing of ignition can be controlled and even remotely operated, if desired.

Selection of the point or points of ignition also depends on the need to avoid subsequent detection and the extent of destruction required.

Accelerants such as gasoline can be used, but a knowledgeable arsonist will utilize existing contents so that detection is less likely.

Access to the premises is important, and the arsonist must take the presence of security arrangements or built-in fire detection and suppression systems into consideration.

Because of the logistical problem caused by the large number of fires occurring today, the initial detection of arson and the subsequent investigation required have become so limited that arsonists have tended to become less concerned with avoiding detection and often use crude, but effective methods. Quite often, because of these methods, fraud fires are mistaken for vandalism.

Deterrents

There are three main deterrents to arson:

1. **Security.** A well-secured building makes arson more difficult and will act as a deterrent to many arsonists. The presence of intrusion alarms and fire protection systems adds to the deterrent. Only the more determined arsonist will tackle such premises. Such protection can, in some cases, be rendered inoperative, but this is less likely to occur unless inside help is available or if there is collusion with the tenant or owner.

2. **Delay in Settlement of Claims.** If it is known that claims may not be paid if arson is suspected, or that lengthy delays might occur, arson for profit may be curtailed somewhat. The insurance industry, however, faces many problems if they delay settlement and may themselves face legal action for such delay. Claim adjusters have also been encouraged to settle claims quickly in the interest of the insured, and perhaps have over-

looked the possibility of fraud in some cases. This is an insurance industry problem, and one that is being given attention.

3. **Investigation and Prosecution.** The known existence of a strong investigative policy on the part of law enforcement agencies is a deterrent, especially if a high conviction rate is established. Unfortunately, such a policy is the exception rather than the rule, and this is well known to most arsonists.

Investigation and Prosecution

Arson is probably one of the most difficult crimes to investigate and prosecute. Several steps must be taken, each with inhibiting factors that discourage all but the most determined investigators and cause prosecutors to be very wary of initiating proceedings.

Detection of Arson

Millions of fires occur each year, and in order to determine the cause, most fire departments routinely make an attempt to examine the scene. Finding the cause, however, is a time-consuming process, made more difficult by the fact that fire destroys evidence; fire fighting, of necessity, disturbs evidence, and causal factors are masked by debris. Only a painstaking search will reveal the cause, and in most cases would take much longer than the task of actually extinguishing the fire. Only if obvious indicators of arson are present, or if no accidental causes can be clearly established, will arson be suspected. In busy fire departments, manpower and apparatus must be kept moving, put back into service to deal with the heavy load of fire suppression activities. It is generally impossible for the actual fire suppression crews to spend the time necessary to make the detailed scene search required.

At the same time, it is logistically impossible for specially trained investigators to visit every fire scene.

The result of this situation is that many arson fires are not so recorded and are not fully investigated.

There are solutions to this problem, however, that can be used to increase the initial detection of arson, and where those methods have been used, they have been successful.

Initial detection of arson is increased where fire fighters are trained to constantly observe the scene for indications of arson from the moment of arrival. Such training can be given, and the awareness of the fire fighter developed, without interfering with the fire-fighting activities. Fire fighters not only notice arson indications, but also preserve evidence that would otherwise be destroyed or disturbed. They become expert at noticing the behavior of persons at the scene or

leaving the scene. They think before discarding materials that may be useful in the subsequent investigation. In fire departments where such training is given, investigators are often notified at the early stages of the fire and can be on the scene before the fire is completely extinguished to commence the in-depth investigation.

Investigation

There are further distinct phases of a fire investigation. The next step is the detailed scene search that must be carried out to establish without doubt the fact that arson occurred. This search must include a very thorough and systematic examination to eliminate all other possible fire causes. Otherwise, an astute defense may bring conflicting evidence suggesting that an accidental occurrence, such as a malfunctioning electrical circuit breaker, heating appliance, or careless smoking, was in fact the cause of the fire. Such evidence can often be damaging to the case and is difficult to refute, months after the fire, unless thoroughly investigated at the time and documented for later use in court.

These in-depth scene examinations call for a high level of knowledge of all causes of fire, together with a very complete knowledge of the science of fire, including dynamics of combustion, and behavior of structures and materials. It is a highly specialized field and should not be undertaken by persons who are not qualified.

There are, in fact, very few people who can be considered experts in this phase of fire investigation, and most

of those involved have acquired their expertise by years of experience.

Such detailed physical investigations also call for the availability of forensic science laboratories to analyze samples, to determine fire growth times and other supporting evidence. Very little attention has been given to this aspect of forensic science by crime laboratories and law enforcement agencies, and in many cases very subjective opinions have to be given in court, with a consequent weakening of the case.

The next segment of the investigation, which should be carried on concurrent with the preceding segment, is the more normal criminal investigation of such aspects as motives, accessibility, presence of suspects, interrogation, etc. This is less specialized in the sense that it requires principally those skills and knowledge that are expected of all law enforcement officers. It does require, however, a close liaison between the persons involved in investigating both segments of the investigation.

Preparation of the Arson Case

A prosecutor generally expects investigators to present to him a well-investigated, completely documented case, with no loopholes or omissions. Generally, the prosecutor receives the brief very shortly before court hearings, although in some areas attorneys are assigned to work on cases from an early point, sometimes immediately after the fire has been classed as arson. This is, however, the exception.

Prosecution

Where a thorough investigation has been completed and adequate evidence prepared, there is a good probability that a case will be brought to court and a conviction obtained.

It has been said that prosecutors do not like to handle arson cases, but a recent study for the Law Enforcement Assistance Administration (LEAA) tends to discredit this. What is significant, however, is that the arrest and conviction rate for arson is only about one-third that of other crimes.

Arson-Investigation Responsibilities

Perhaps more so than with any other crime, the divided responsibilities for arson investigation seem to inhibit the whole process.

At state level, the responsibility is sometimes vested in the state fire marshal, who may have full autonomy and authority, but in some cases the fire marshal reports to the chief of the state police, and often to the insurance commissioner. In some states there is no state fire marshal; in others, he may have no responsibility in arson investigation. Again, at state level, there may be a small but qualified cadre of fire investigators; in other states, the state police carry out all criminal investigation without a special arson staff.

In some cases a combined task force is established, with both arson specialists and law enforcement officers working as a team.

Despite the presence of state-level arson responsibility, the individual cities and towns often have local arson ordinances or are delegated responsibility from the state level. In some cases, both the local fire department and police have authority to investigate, and often either the police or the fire department has the responsibility.

The same applies to many major cities. In some areas, there is joint state and local cooperation. No matter where responsibility lies, almost all states, cities, and towns suffer from the logistical problem of too many arson fires and too few investigators. This applies also to those places where a strong arson investigation program has been established.

It is interesting to note that the recent economic climate has not only prompted more arson-for-profit fires, but has also forced some fiscally restricted states and cities to cut back on the number of arson investigators.

Training of Investigators

Qualifications for arson investigators can be divided into two parts. The first is the technical and scientific aspect, which is essential for establishing proof of arson,

and for determining how and when the crime was committed, and who might have been able to commit it. The second is the follow-up procedure, including interrogation, surveillance, etc., which requires law-enforcement training.

Combinations of investigative skills can be assembled on an interdisciplinary team basis, or individuals possessing all the required skills can be used. In terms of best use of existing personnel, it is probably better to use both fire and police personnel as a team, each applying his expertise to a segment of the investigation, provided that a full, cooperative exchange of information is maintained.

Whichever approach is used, special training is required. Very little structured training has been available. Mostly, it has consisted of one- or two-day seminars given by experienced investigators. This approach has contributed much to the extending of requisite skills and knowledge.

The fire scene investigator, however, should be so well qualified that he can be admitted as an expert opinion witness, in the same way that a ballistics expert or a medical examiner is admitted. This calls for much more than a two-day seminar, and although there are some 300 local college courses in fire science, very few are structured in such a way that attendance would qualify an investigator as an expert opinion witness.

And that is why there are very few experts available to give testimony, at the present time.

The recently established National Academy for Fire Prevention and Control plans to institute a program for arson investigator training and this, together with the local college and state fire-training programs, can eventually fill the need for provision of qualified fire investigators. This will, however, take time.

Another step toward better investigation is the development of professional qualification standards for fire inspectors and investigators as part of the National Professional Qualifications System for the Fire Service. This is an independent system operated under the auspices of the fire service peer group associations.

It is noteworthy that almost all the efforts to do something about the arson problem are coming from fire-related groups. They, of course, have first-hand experience and have long recognized the magnitude of the problem.

Problems and Solutions

The following is a summary of the major problem areas related to arson:

- Arson is not easily detected.
- It requires major investigative resources.
- It is so widespread and of such magnitude that the

small number of investigators available cannot cope with the workload.

- It is difficult to obtain arrests and convictions.
- There is an urgent need for more trained, qualified investigators.
- There is a need for more and better fire-related forensic laboratories.
- There is a lack of clearly defined responsibility for arson investigation between fire and police agencies.
- The laws relating to arson need to be updated.
- The crime of arson is in Part II of the FBI *Uniform Crime Reports*, along with shoplifting and other minor crimes. Recent requests for elevating arson to Part I were rejected.
- Insurance companies are, in some cases, required to settle claims even when arson is possibly involved.
- The problem of arson prevention has not received adequate attention.

Having identified major problems, we can offer suggestions on viable solutions:

- Every fire fighter should be trained in initial arson detection. This can be achieved by providing self-starting training packages to all fire departments.
- States and major cities should increase the amount of money budgeted for arson investigation, prosecution, and prevention, and the LEAA should make funds available on a major scale to specifically combat the crime of arson.
- Every state and major community should increase their number of qualified arson investigators, and where no structured arson investigation bureau exists, should establish one without delay. This organization should utilize the skills and knowledge of all components that can help deal with the arson problem, including fire personnel, police, prosecutors, and judiciary. The LEAA should assist in attaining these objectives.
- The quality of investigation can be materially improved by providing more training for investigators. The NFPCA should accord priority to their proposed arson investigator training program. The professional qualifications standard for investigators (NFPA 1031) should be used to set objectives for such training.
- Regional crime laboratories should be equipped with apparatus designed to assist in arson investigation. Research should be instituted to produce more effective methods of detecting and analyzing materials used to set and accelerate fire and increasing accuracy in estimating time and growth factors in fire development. Mobile laboratories, which are sent to the scene of fire, should be made available in all major population centers.
- There must be recognition of divided responsibility and the need for expertise from both fire and police agencies. The organization of joint investigation squads can be used where divided responsibility exists.

- The model arson law is about to be updated and revised by a joint committee of the International Association of Arson Investigators (IAAI) and the Fire Marshals Association of North America (FMANA), with the sponsorship of NFPCA. When completed, it should attain the same wide acceptance by state government as occurred when the first model originally appeared in 1920.
- The Uniform Crime Report Committee of the International Association of Chiefs of Police should reconsider its vote not to reclassify arson as a Part I crime. An upgrading would act as an incentive for more positive attitudes towards arson as a major crime problem.
- The insurance industry should receive reasonable relief from time requirements in setting claims when arson might be involved. Adjusters should be encouraged to investigate thoroughly before submitting reports. Private insurance investigators should receive cooperation from law enforcement agencies.
- Arson prevention campaigns and visible deterrents should become part of all local fire prevention and crime prevention programs.

If it were possible to take the action suggested above — and it is — there would undoubtedly be a marked effect on the nation's arson problem.

This is not based on speculation, but on an understanding of the many ramifications of the problems, and the evidence where such action has been taken in a few parts of the country and in other nations.

Conclusion

It can be seen merely from the superficial survey of the crime of arson in this presentation that arson is a problem and that it is a difficult crime to detect, to investigate, and to prosecute. Major attention has recently been brought to the problem, and perhaps for the first time a concerted effort is being made by organizations such as the International Association of Arson Investigators, the Fire Marshals Association of North America, the International Association of Fire Chiefs, the National Fire Protection Association, the insurance industry, and the National Fire Prevention and Control Administration (US Department of Commerce).

It will, however, take more than just fire-oriented groups to solve the problem completely. It will also require support and an acute interest on the part of law enforcement agencies, the judiciary, and social agencies in order to have any real and lasting effect.

The fact remains that arson is not a mystical crime that defies resolution. A good, technically sound and thorough investigation can lead to conviction.

True, it is a crime that is more difficult to investigate than other types of crime. The problem is mainly a result of the lack of determination on the part of federal, state, and local government to commit more resources to combatting arson. The small cadre of investigators is overwhelmed by the weight of the number of cases, and unless the strength and resources of arson bureaus are

increased, there will be little to deter the would-be arsonist. The crime will surely continue to escalate.

The federal government should, through LEAA, encourage the placing of more emphasis on arson, and should provide the financial support that is needed to do this. △

END