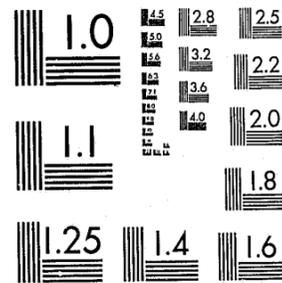


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# FBI LAW ENFORCEMENT BULLETIN

MARCH 1981



## Heavy Equipment Theft

# FBI LAW ENFORCEMENT BULLETIN

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Operations

## Organizing An Arson Task Force

By Sheriff Kenneth J. Braun *And* Robert E. Ford

*Chief of Operations  
Erie County Sheriff's Office  
Erie County, N.Y.*

During the past 2 decades, arson has become one of the most rapidly increasing serious crimes. While arson is national in scope and recognizes no political or geographic boundaries, its toll is most evident in older urban locations, specifically where wood frame construction prevails.

In 1977, known arson losses in the city of Buffalo alone amounted to over \$1 million. These arson loss figures are direct losses and do not take into consideration the hidden costs of arson, which include loss of jobs with resulting loss of income, increased fire insurance premiums, loss of business, erosion of the tax base, injuries and loss of life, and increased costs of fire protection. For example, the city of Buffalo's tax base shrunk by \$4 million in 1977. Much of this loss was occasioned by arson. And, experts claim that approximately one-third of the \$7.3 billion which businesses pay in fire insurance premiums go to arson losses. The cost in blighted neighborhoods is even higher.

In Erie County, in 1978, there were 336 known arsons. However, this figure does not include the far more numerous fires which are listed as being of suspicious origin. A conservative estimate would be that more than half of those fires were caused by arson.

In addition, auto fires have recently been recodified as arsons in New York State. Most fire investigators have standing orders not to investigate these because of the more important work regarding family dwellings and other buildings. Still, auto fires occur daily. On a dilapidated car or on a late model car in poor condition with heavy monthly payments, the owner can collect the value by throwing a railroad flare on the seat and watching it burn. In the city of Buffalo alone, in 1976, there were 1,212 auto fires resulting in an estimated \$816,685 in damages. No one is certain how many of these were arson.







Sheriff Braun

### The Problem

By 1977, it became clear to business leaders, law enforcement personnel, and area firefighters that the costs of arson in Buffalo, N.Y., and Erie County were far too high. Notwithstanding several ongoing efforts to combat arson which were achieving results, it was believed that further action had to be taken to stem the rising cost of arson. Accordingly, top law enforcement, political, and business leaders participated in a series of strategy sessions. From these sessions it became clear that arson could not be treated as just another crime. There were certain elements which necessitated a different approach if the effort to combat arson was to be successful.

### The Existing Enforcement Network

In Erie County, there were 96 volunteer fire companies and 3 paid units. It was observed that these fire services would be central to any arson control effort. Within the city of Buffalo, cooperation and communication between police and fire services were excellent. However, in many other jurisdictions, this communication was almost nonexistent.

Of the 27 police agencies within Erie County, only 3 have fully trained and experienced arson investigators. Basically, the function of the fire departments was to extinguish the fires and notify the police agency of any possible arsons. Police would then follow up with the criminal investigations. Unfortunately, many of the volunteer fire departments had little or no idea of what evidence to seek out.

It became clear that several elements were sorely needed, including:

- 1) Arson awareness programs for fire service personnel,
- 2) Basic arson investigation training for police officers,
- 3) Basic crime scene and rules of evidence training for fire service personnel,
- 4) Interchange of information between agencies, and
- 5) Arson awareness programs for citizens.

Jurisdictional boundaries also posed a problem. Analysis of persistent arson problems, particularly a series of lumberyard fires, revealed that in case after case, these arsons transcended limited police jurisdictions. As is characteristic, individual investigators limited their investigation and information retrieved to only those fires occurring within their own jurisdiction. In the lumberyard fires mentioned, at least seven different jurisdictions were involved. Problems of communication and coordination were overwhelming. Without proper investigative coordination, important information on such offenses is likely to be lost, thereby reducing the probability of arrest and successful prosecution.

Jurisdictional boundaries are further fragmented by disciplinary boundaries. Characteristically, most arson fires are first discovered by firefighters who, in most cases, make the initial investigation. It is often quite late into the investigation that the police enter the scene. In most cases, this is appropriate because firefighters have particularly well-developed skills in establishing the causes and origins of fires. However, without arson awareness, potentially valuable evidence and information could easily be overlooked, ignored, or destroyed.

### The Arson Task Force

Previous experience, as well as a review of available literature, suggests the following components are necessary for an effective arson task force:

- 1) An arson task force should feature the team concept. There should be full integration of police and fire officers working together, each one bringing their unique training and background to the investigation.
- 2) An arson task force should be oriented toward a greater range of areas. Arson investigations should not stop or be impeded by political boundaries. Arsonists are unconcerned with political subdivisions; investigators should be similarly unconcerned.

- 3) Wherever practical or possible, an arson task force should involve the active participation of volunteer firemen since most suburban firefighting is on a volunteer basis.
- 4) Close integration should be maintained with the district attorney's office. In fact, it would be appropriate that an assistant district attorney be dedicated solely to arson cases.
- 5) The arson task force should conduct periodic training for all paid and volunteer firemen in arson awareness. This is essential since these personnel are the eyes and ears of any arson task force.
- 6) Arson awareness programs should be conducted by the arson task force. These programs should be directed toward gaining the attention and cooperation of the public.

During late 1977 and early 1978, a proposal was developed to establish a countywide arson task force, and a \$186,000 grant was received from the Law Enforcement Assistance Administration (LEAA) for this purpose. This cooperative effort by both police and fire agencies involved a total of 10 police and fire investigators.

### Personnel

Selecting personnel to man the arson task force was considered critical. The 10-man task force was to be composed of two deputies from the Erie County Sheriff's Office, two police officers from the Buffalo Police Department, two fire investigators from the Buffalo Fire Department, two volunteer firemen, and two officers from suburban police departments.

In the case of the volunteer firemen, the area volunteer fire chiefs formed a committee and selected five possible nominees. These were given to the Erie County sheriff who selected the top two names on the list.

The Erie County Chiefs of Police Association was requested to furnish the names of five officers from suburban police departments. Again, the top two officers were chosen by the Erie County sheriff.

Although the task force was comprised of six police officers and four firefighters, three of the first five police officers chosen had a background in volunteer fire work. In addition, two of the police officers assigned to the unit have each been volunteer firemen for 20 years in the communities in which they live.

While the arson task force was extremely fortunate in the caliber of officers selected, this will not always be the case. In some jurisdictions, one might encounter the problem of a police or fire agency which did not wish to release top quality people for detail with another agency for an extended period of time and might be tempted to assign less competent personnel.

The arson task force is comprised of five 2-man teams. Each team consists of a trained police officer and fireman. This unit is available 365 days a year, 24 hours a day, and provides a coordinated, responsive investigative effort in cases of suspected arson and related crimes. All members of the force are fully deputized. The Erie County arson task force is particularly unique because of the full-time employment of volunteer firemen and the notable close relationship between the arson task force and the area's volunteer fire companies.

While this task force, for grant purposes, operates under the authority of the sheriff of Erie County, it is seen by the sheriff's department as a cooperative effort. Its purpose is not to supplant, but rather to assist and aid, all county agencies in dealing with the serious problem of arson.

To insure that this spirit of cooperation continues, guidelines have been developed that stress the cooperative nature of this enterprise. In addition, the arson task force has established liaisons between all police and fire agencies.

### Results

In its first 14 months of operation, the Erie County arson task force has been quite successful. From April 1979 to June 1980, the task force compiled an enviable record. The 774 total investigations have led to determinations of 336 confirmed arsons. Of these 336 arsons, 63 have been cleared by arrest. The arrests have led to 88 separate arson charges. In addition to direct arrest charges, there have been an additional 55 arrests for arson-related crimes. This had led to a total of 143 arrests. Nineteen percent of arsons investigated have been cleared by the arson task force, which contrasts favorably with a national clearance rate of 9 percent.

Possibly the most innovative approach to fire investigation was the inclusion of volunteer firemen as full-time investigators. There are 28,700 fire departments in the United States, of which 85 percent are volunteer. Therefore, it seems only logical to include them in the attack on arson. With 96 volunteer and only 3 paid fire companies and departments in the county, we believed that their representation was critical to the success of the task force. Over 7,500 volunteer firemen provide protection for over 80 percent of the county. They comprise a large group of supporters for the arson task force and were one of the prime movers advocating the formation of the unit. They were one of the first groups to recognize that arson is not just an urban problem but a suburban and rural one as well.

Prior to the formation of the unit, several of the larger police departments outside the city of Buffalo had one detective who would handle fire investigations as needed and who performed other investigative duties as well. In all of these towns, the fire investigation workload was not sufficient to warrant full-time assignment, and the investigator might end up investigating only one or two fires per month. In some smaller jurisdictions the detective may only have one every 6 months or so. We believed that a full-time unit investigating fires would de-

velop more quickly the expertise necessary to improve the quality of fire investigations throughout the county. The statistics from the first full year of operations showing an almost 20-percent arrest rate of confirmed arson cases supports that contention.

#### **Training**

An integral part of the LEAA grant is training. The task force through use of the Sheriff's Department Training Academy, the Erie County Department of Central Police Services Training Academy, and the Erie County Department of Fire Safety has trained approximately 300 volunteer firemen in a 40-hour arson detection course. As suspected, this training produced an increase in the fires classified as incendiary in the rural and suburban areas of our county. Fires which were previously listed as electrical or spontaneous combustion or left undetermined as to cause are now being investigated by trained personnel.

Of the 10 members of the arson task force, 4 have completed the arson investigation course at the National Fire Academy. The other members of the unit have completed numerous local and State schools sponsored by the Federal Bureau of Investigation, Alcohol, Tobacco and Firearms, National Fire Protection Association, International Association of Arson Investigators, and New York State Municipal Training Council.

#### **Police/Fire Team**

The LEAA grant calls for the teaming up of a policeman and firefighter. This allows the team to draw on the experience of the police officer during the course of investigations in such areas as rules of evidence, interviewing witnesses and suspects, sources of information, etc., and the firefighter in turn gives his attention to his area of expertise. The team members, learning from each other, quickly become the complete fire investigator. This approach played an important part in the

success of the arson task force thus far and definitely helped to bridge the gap that existed in our communities between police and fire departments. By combining efforts and joining together for the common goal of reducing incendiary fire, it is possible to eliminate the seemingly innate competition that exists between the two disciplines.

All members of the task force are deputized by the sheriff of Erie County, and therefore, have full police powers. Although this aids greatly during the course of investigations, it initially raised several problems concerning liability. Insurance was purchased through the National Sheriff's Association, and weapons training and instruction dealing with the legal use of force was conducted. All volunteer firemen in the unit have completed the 14-week basic police recruit school.

#### **Request for Investigation**

Since there are 27 police and 99 fire departments in Erie County, the task force adopted a policy of providing investigations requested by either the fire or police chief of the jurisdiction involved. Since this is the first countywide investigative unit, there were obstacles to overcome. After a period of virtually selling the product of quality fire investigations, all police and fire agencies have requested this service. The arson task force in no way usurps, but rather assists, the local police on any investigation, using the equipment and specialized training received under the grant.

#### **Problems**

Up to this point, the positive aspects of forming and implementing an arson task force has been conveyed. As with all endeavors, however, there have been problems to overcome along the way.

At the outset, it was envisioned that all participating personnel would be paid directly from grant funds. Variances in salaries, retirement systems, seniority rights, vacations, overtime, personal leave time, etc., made this impossible. It was necessary to approach the combined efforts of these five separate agencies contractually,

whereby each officer continues to receive his salary from his department which in turn vouchers these costs to the county to be paid by grant funds. These vouchered costs include all expenditures for hospitalization insurance, retirement contributions, etc., and allows the municipality to replace the officer while he is on loan to the grant as a consultant.

After many time-consuming problems with this contractual system, it is now operating smoothly and will surely make any future countywide combined efforts using officers from various municipalities much less time-consuming to initiate.

#### **Working Hours**

The grant requires that we keep a police/fire team working together whenever possible. With a supervisory lieutenant and nine officers, four firefighters and five police officers, it was impossible to work the traditional three shifts of 8:00 a.m. to 4:00 p.m., 4:00 p.m. to midnight, and midnight to 8:00 a.m. and adhere to this provision of the grant. This, coupled with the fact that we believed it was necessary to provide coverage 24 hours a day, 7 days a week, made it necessary to operate with a four platoon system. This work schedule provides for each platoon working 2 days 8:00 a.m. to 5:00 p.m., two nights from 5:00 p.m. to 8:00 a.m., and then having 4 days off before starting the cycle over again. This not only allows for complete coverage with four 2-man teams but has been well accepted by the officers of the unit.

#### **Summary**

The accomplishments of the task force speak for themselves. It has been and will continue to be a noteworthy effort in the continuing battle against arson for profit. While the LEAA grant was not renewed, the arson task force will continue to operate because of the appropriations allotted by the Erie County Legislature for a portion of the cost. **FBI**

# END