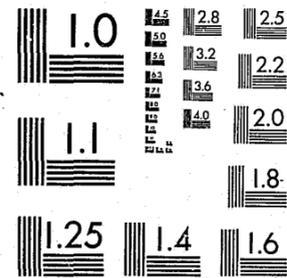


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THE ARSON STRATEGY WORKSHOP

A SUMMARY REPORT

February 1st and 2nd, 1979



Office of Criminal Justice Programs
Law Enforcement Assistance Administration
U.S. Department of Justice

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I. INTRODUCTION

On February 1-2, 1979, an Arson Strategy Workshop was held at the Department of Justice in Washington, D. C., in response to a directive from Henry S. Dogin, Deputy Administrator of the Law Enforcement Assistance Administration, that the LEAA Policy Group develop a national arson strategy. More than 30 individuals^{1/} from various parts of the country responded to LEAA's invitation to participate; they represented a broad spectrum of expertise, ranging from fire chiefs to insurance executives, and included representatives of national, state, and local governments.

The method by which the workshop reached its goal of developing a recommended strategy was to assign participants to one of three working panels: 1) Prevention and Investigation, 2) Enforcement and Prosecution, and 3) Statistics and Research. After meeting nearly a day and a half in these panels, the participants presented their findings and recommendations in a final plenary session on February 2. From these panel recommendations, the overall national strategy recommendations evolved.

Brief introductory remarks by Mr. Dogin and Benjamin P. Civiletti, the Deputy Attorney General, set the tone for the workshop. Mr. Dogin noted that the growing incidence of arson had led state legislatures and Congress to raise the question of greater Federal involvement in local efforts to combat this costly crime. The U.S. Government, he said, is

^{1/} See Appendix A for a list of those attending

^{2/} Appendix B is the Workshop Agenda

seeking the help of workshop participants in devising a strategy that will build on existing programs and utilize the limited available resources to the best advantage; he stressed that the workshop was an opportunity for those attending to let the government know how they felt about the anti-arson program.

Mr. Civiletti underlined Mr. Dogin's comments on the need for experts on arson to help in this effort, adding that while arson is a state or local and not a Federal crime, the Federal Government can readily become involved through fraud and conspiracy aspects of arson. He gave credit to the U.S. Fire Administration for the progress it has made in the last few years in an area in which Federal involvement had been minor because of statutory limitations, and he pointed to this workshop as an indicator of the growing Federal interest in arson.

Gordon Vickery, Administrator-Designate of the U.S. Fire Administration, spoke briefly, stating that his Administration seeks through its coordinating function to bring all concerned forces in the United States together to fight this common problem. There has been sufficient study and gathering of data, he said; now is the time to formulate ways to take action on the issues these studies have disclosed.

The report that follows was prepared for LEAA by the Public Administration Service under its technical assistance contract and was written by Staff Associate Claud H. Corrigan, Staff Associate John T. Sessions, and Special Consultant Stanley B. Thawley. It summarizes the panel discussions and the key points made therein, identifies the findings and areas of agreement, sets forth the specific recommendations of

each panel, and synthesizes the overall recommendations on the basis of the broad areas of mutual concern identified in the final plenary session of the workshop.

II. THE PANEL DISCUSSIONS

A. Prevention and Investigation

The two topics considered by this panel were rarely discussed separately, since it was recognized how often they overlap. Effective investigation leading to successful prosecution of those who commit the crime of arson is among the strongest deterrents to arsonists, thereby constituting a major preventive factor. In the following summary of the panel's discussions, however, they will be dealt with individually, to the extent possible.

1. Prevention

High on the list of preventive measures is the development of a workable means for predicting arson. Mayor Frank Logue of New Haven, Connecticut, said that his city's arson task force has evolved an arson warning and prediction strategy based on a model of arson. After a building in a deteriorating, older part of the city is abandoned, its windows are broken out and people come in to steal copper pipes, fittings, and plumbing; once stripped, the next step for the building is burning. Indicators of imminent arson-for-profit include such things as a large or recently increased mortgage and low, declining, or nonexistent income from an old building, plus a large and recently increased insurance policy. These are known factors in a pre-arson situation, based on a data file that the city has been assembling since July, 1977.

Such a warning and indications system, New Haven has found, is effective against arson-for-profit, but neither the system nor anything else can do much about arson-for-the-hell-of-it. A 14-year-old "torch" is hard to predict.

Nicholas Borg of New York City's Department of General Social Services described his city's preventive patrol approach, concentrating on neighborhoods with a large number of abandoned buildings. Squatters in such buildings were removed, and people in the neighborhood were able to see that fire marshals were making regular but unpredictable appearances. Covert stakeouts resulted in a number of arrests, particularly of pyromaniacs (vandals were harder to stop).

Borg commented on factors that seemed critical in indicating the likelihood of arson; older buildings with good superintendents, for example, were found to have a lower probability of arson because halls were clean and free of trash, hall doors were locked, tenants were more stable, and the owner was being paid his rent on time. The city attempted to organize a superintendents' association, give its members free training, help them with supplies, etc. When landlords could be convinced that buildings near a blighted area (such as the South Bronx, much of which is a lost cause) could be saved, they took a new approach, hired a good superintendent, and made some effort to put the building back in shape, paying for it out of rental money. This neighborhood stabilization process has been the most productive approach in areas that seemed to be starting downhill.

When stabilization appears impossible, New York has been sealing buildings, a complex process that requires interdepartmental coordination, since the Sanitation Department must clean out the building, after which the pest control people kill the rats and other vermin. Sealers then come in and cover the doors and windows.

Alan Brunacini, Chief of the Phoenix, Arizona, Fire Department, described how his department has inventoried all buildings in the city and is administering the fire code, which is a way of managing the property to reduce arson. Surveillance of likely arson targets has been tried, but it hasn't worked. Arson is a very covert crime, and even psychopaths seem to be able to set a fire without being caught, sometimes trying seven or eight times in a single night until the building finally burns. However, if word gets out on the street that you'll be hassled if you burn a building for an apparent profit, it has a definite deterrent effect.

2. Investigation

Phoenix, which has an active arson prevention program, has also been innovative in the investigative field. Going to the task force concept in 1978, it combined both fire and police resources in an arson investigation section of 12 people. Two on-duty Fire Department investigators work with two Police Department investigators in checking out every fire that occurs in the city. In the last quarter of 1978, arson was reduced by 36 percent, reversing a trend of a rising rate of arson that had gotten the attention of city policymakers. In describing the task force, Chief Brunacini said that training in techniques of determining causative factors of a fire is essential; fire suppression personnel must be familiar with diagnostic tactics, be able to react to what they have seen and how the fire behaved--in short, to analyze the tactical situation as they found it at the fire scene.

New Haven, Connecticut, also went to a task force following a grand jury investigation of the arson problem in February, 1978. At its conclusion, the presiding judge reported that the Fire Department did not have the capacity to properly investigate arson. The city then organized a trained arson squad composed of both firemen and policemen that investigated some 400 fires in its first year of operations, most of them of suspicious origin.

New Haven Mayor Logue commented that because most firemen are trained in fire suppression only, chances of proving arson are slim if the first fire fighters on the scene of a fire are not sensitive to arson factors. If the line firefighter can recognize the evidence or other indications of arson, the in-depth investigation by the specialists of the task force is much more apt to be productive.

Albert Gleason of the Treasury Department's BATF, Technical Services Division, an experienced arson investigator, commented that the No. 1 priority in improving arson investigation is good training. Most people doing this sort of investigation are not trained for it, with results that might be expected. Effective investigation is vital to arson cases, in that prosecutors going up against skilled defense attorneys don't want to go into court without a solid case. In addition to providing training to investigators, qualified arson specialists should be available to go out to help localities that ask for assistance with a particular case or series of cases. He added that while the best investigative work in arson is often done by private agencies working for insurance companies, reliance on them in court is often less than satisfactory because of their subjective bias in the case.

John Connell, a private consultant, noted that weakness in the initial investigation is often the major problem in proving arson. Because no courses are available to teach investigators how to collect and present arson evidence properly, some self-taught investigators neglect to eliminate or disprove other possible causes of the fire such as the electric and heating systems; in court, their credibility can easily be destroyed when their oversight is brought out, often negating their otherwise solid testimony. A basic course for newly assigned arson investigators should be set up, and its curriculum should include detailed information on other, accidental causes of fire that must be eliminated in demonstrating how arson took place. He cited the fact that most states do not have a state agency to investigate arson that occurs outside major cities and that, as in New York, the state police will assign an investigator to such cases who is usually no more qualified to conduct it than the local volunteer fire chief.

With regard to state capabilities, Dan Webb, Director of the Illinois Department of Law Enforcement, stated that his department is embarking on a comprehensive arson control program, including specialized training and laboratories, that will employ a task force in support of local agencies, take a training program on the road, and serve as an intelligence-gathering body.

Temple University Law Professor Charles H. Rogovin pointed out that a theme has emerged of opening up an information channel from the private (that is, the insurance companies) to the public (law enforcement) sector.

Illinois, for example, has an immunity statute^{3/} to guarantee a flow of information from insurance companies, but how many other states have a law that will protect this incomparable source of intelligence on arson?

An insurance company observer, Michael Zipkin of Aetna, added some comments on the immunity law permitting insurance companies to share information on claimants with law enforcement agencies without becoming liable to legal action for violation of privacy. This permits the criminal justice system to learn of, among other things, suspicious increases in insurance on a deteriorating building, which may or may not be burned; the persistence of certain names as fire insurance claimants would provide useful leads for investigators. He also described another insurer project, the Property Insurance Loss Register, which will use a computer to process data on all property insurance claims, including those for fire losses. In states with immunity laws, arson investigators can receive and use information from PILR, which is expected to be in operation by mid-1979.

Nicholas Borg described the jurisdiction situation in arson investigations in New York City as being politically sensitive; in the past, prime responsibility was left to the fire marshals, who have police and subpoena powers and can take sworn testimony on the scene. The police then began to duplicate these efforts, so that witnesses were being

^{3/}

The Alliance of American Insurers in Chicago has prepared a model arson reporting immunity bill, and statutes based on it have been enacted in 16 states: Ohio, Connecticut, Georgia, Illinois, New York, North Carolina, Texas, California, Florida, Louisiana, Maryland, Massachusetts, Michigan, Rhode Island, West Virginia, and Wisconsin.

questioned by two sets of investigators. Unable to group fire marshals and detectives in a task force, the city settled for splitting responsibility within each borough--fire marshals operated in one section, police in another.

William Drake of the National League of Cities predicted that competition for jurisdiction (turf-fighting) can be expected to increase as more money and effort are put into anti-arson programs. Fire services have not gotten nearly as much attention--in terms of things like technical assistance and LEAA-supported training--as police have in recent years, and reorienting the investigation of arson will not be easy.

In general, most panel participants felt that more intensive research and data collection efforts would help investigators in their approach to arson problems. Also, more should be done to make the public aware of the arson threat and how it affects their insurance rates and other protection.

J. C. Robertson, State Fire Marshal of Maryland, commented that arson investigation has gotten little attention in the past and even smaller funding support. Training of firemen in arson-detecting skills has not been adequate; he recalled talking to a class of trainees and learning that some of them did not even know what chemical fire agents were.

B. Enforcement and Prosecution

The enforcement and prosecution panel was composed of representatives from the groups most concerned with this aspect of the arson problem: law enforcement, fire service, prosecutors, and the insurance industry. The

basic theme of the discussions was the need for a coordination of effort. As part of this coordination, each group must become more aware of each other's duties and responsibilities. This sensitivity may be accomplished through training, a greater degree of information exchange, and a larger sense of accountability for the accomplishment of tasks necessary for arson enforcement. The panel focused on the task force approach as the best method to accomplish these goals.

1. Enforcement

Virtually all panel members agreed that the task force approach provides the best framework for the investigative and enforcement functions in arson cases. The elements involved in the task force concept include but are not limited to police officials, fire marshals and investigators, prosecuting attorneys, and representatives of federal agencies such as the FBI or the Bureau of Alcohol, Tobacco, and Firearms of the Treasury Department. Panel members pointed to several successful examples of this framework in jurisdictions such as Seattle, the Tampa Bay area, and Philadelphia. The key to task force success has been the integration of the various elements of investigation and prosecution and the establishment of a camaraderie independent of the various organizational affiliations.

The task force concept also provides a means for integrating the various levels of government. This is particularly important for the prosecution of arsonists who move across jurisdictional boundaries, e.g., from county to county. The inclusion of Federal officials also creates the advantage of additional bases of jurisdiction under the Racketeer, Influence, and Corrupt Practices Statute.

With regard to types of arson, the general consensus was that there are essentially two types, pyromania and arson-for-profit. It was the general feeling that very little could be done to deter pyromania per se, but the group disagreed with the notion that pyromania represents the majority of arson crimes. Instead, the most widely held view was that much of what has been classified as pyromania over the years was actually arson-for-profit. The key distinction between these two types is that arson-for-profit can be deterred through proper enforcement measures. These enforcement and investigative measures include title searches, surveys of insurance policy increases, insurance settlements, and other transaction documentation that could lead to an identifiable motive or even the prediction of arson-for-profit.

With regard to the turf problem, it was the consensus of the group that the classic rivalry between law enforcement agencies and fire services has hindered the prosecution and conviction of arsonists. Depending upon the jurisdiction, either the police department or the fire department can claim authority to the exclusion of the other group. The problems this creates is that both groups are indispensable. A fire fighter who is not sensitive to procedural requirements of the 4th, 5th, and 6th amendment or the Federal rules of evidence may destroy the case with a single act. Likewise, a police officer who cannot properly store an accelerant or for that matter even recognize one is equally detrimental to the establishment of a case. The view was expressed that many of the incumbents in key arson investigative positions are employees with the attitude of "on-the-job retirement", that is, they are often employees

who have received a job-related disability or are so near retirement that they have been put in an investigative role as a "soft" job.

It was the consensus of the group that the best way to overcome turf rivalries is to separate those members of the fire and police department who will be assigned to arson investigations from their respective departments in an independent authority or task force to prosecute arson. It would be advantageous if the notion that the arson investigation task force was an elite group could be established within the organization. The task force could then establish its own morale and empathy by together pursuing multiple-function training in order to achieve the cross-function sensitivity necessary to build a case. It was suggested that perhaps the Law Enforcement Assistance Administration should determine the scope of the cooperation between firemen, police, and prosecutors within a jurisdiction as an evaluation criteria prior to the award of funds to support such a task force.

Sheriff William Lucas of Wayne County, Michigan (the metropolitan Detroit area), described the task force that was established within his jurisdiction containing the essential elements of fire, police, and prosecutor necessary to pursue an arson investigation and prosecution. In addition, his task force attempted to integrate state and Federal law enforcement officials as well as representatives from industry. All of these elements were brought together under the auspices of an assistant prosecuting attorney. They operated as an organization apart from their prior affiliations and developed a spirit of elitism. The problem with this particular task force was that elected legislators saw the rate of

arson fall and subsequently voted budget cuts under the misguided notion that the problem had been alleviated. Since that time, as one would expect, the arson rate has begun to increase once again.

There was general consensus as to the need for training in the various elements necessary for an arson conviction. Current training opportunities include three modules available through the U.S. Fire Administration, training courses for prosecutors through the National District Attorneys Association, and several other opportunities provided by private insurance carriers. More qualified trainers are needed, however. The modular courses provided by the U.S. Fire Administration can be offered on a national basis only if enough qualified instructors are available. The view was also expressed that part of the training should be related to court proceedings and should help a fire investigator to be a good expert witness.

There is a great need for laboratory facilities which can accommodate the needs of arson investigators. This suggestion was countered by the thought that many facilities are already available but go unused. For example, the FBI has received very few requests from localities for arson-related analysis work. In addition, other publicly funded laboratories may require very little expansion to accommodate the needs of the arson investigator. These might include police department laboratories or hospital laboratories. The problem with police department laboratories is that their entire orientation is to police work. However, the addition of a gas chromatometer and other basic equipment combined with the requisite training could be a great help.

The suggestion was also made that certain equipment be incorporated into suppression forces for immediate on-site use. Analysis turnaround times must often be very quick in order to obtain search warrants. Besides gas chromatometers flammable vapor detectors, and burn indicators, such equipment as cameras and/or video TV would also be helpful.

2. Prosecution

Several panel members expressed their feeling that successful prosecution of arsonists-for-profit provides one of the most effective means of deterrence available in the entire realm of law enforcement. The difference between arson and other crimes is that aside from the pyromania, arsonists don't envision themselves as criminals and consequently don't believe that what they're doing is a crime. Instead, they're reacting to market conditions which may have devalued a parcel of real estate in the inner-core city. The pervasive notion is that arson is the best way to refinance a building. The problem has become acute recently due to tremendous fluctuation in real estate markets and the ease with which settlements may be obtained, either from the insurance industry or through the FAIR Plan.

The view was expressed by several non-prosecutor members of the panel that it had been their experience that district attorneys were often unwilling to go forward with arson cases. The proponents of this view argued that district attorneys are often afraid of low conviction records. The view was expressed that there should be an effort to educate prosecutors. The response of other members of the panel associated with prosecution was

that arson cases are often declined because the evidence is bad or the case is too old. Also, there have been limited resources available for arson prosecution to date. In order to ensure that the case will be taken forward, it is important that the prosecutor be involved from the start. The view of prosecutor members of the panel was clearly that the attitude of most district attorneys is changing in favor of prosecuting arsonists whenever the case has a good chance of success.

a. Plea Bargaining and Arson--The attorneys present felt very strongly that prosecuting attorneys in the various jurisdictions should have a policy against plea bargaining in arson cases. As one prosecutor stated, "This is not a compromise area." The National District Attorneys Association has studied plea bargaining of arson cases and found that three-fourths of the jurisdictions contacted have a policy against it.

b. The Need to Educate Judges--The crime of arson can be deterred if sentences in arson cases are sufficiently harsh to affect other potential arsonists considering such an act. One of the key elements in this process is the education of judges. The commonly held view was that judges only become concerned about arson if people are hurt; they generally have very little concern if the damages are limited to property. Because it is much more difficult to seize primary evidence in an arson case, it is often true that judges channel the trial toward a guilty plea to a lesser crime. Perhaps one of the best ways to convict guilty arsonists and simultaneously educate judges is to establish an arrangement whereby a particular judge consistently hears arson cases.

c. Timing and Evidence Retention--One of the key problems to development of a good case is the destruction of evidence, either by

regular fire suppression activities such as breaking windows in order to vent the fire or by failure to adequately isolate and store accelerants and other gaseous evidence. Three suggestions which might reduce the impact of this problem were made: first, it is critical that a representative of the prosecutor's office or the task force be immediately dispatched to the scene in order to advise suppression forces of potential sources of evidence; second, better containers are needed for the storage of gaseous evidence (as an alternative, suppression equipment could be equipped with gas analysis equipment which could immediately create an analysis record); and third, one firefighter in the suppression forces could be equipped with a throat microphone and orally record unusual circumstances which might be useful later as evidence.

d. The Appropriate Role for Federal Officials--One of the most appropriate roles for the Federal Government in aiding states and localities in the prosecuting of arson is to provide the technical support necessary for the development of a case. BATF has five laboratories which will examine evidence for states and localities. In addition, the FBI arson laboratory capability has been pledged to any jurisdiction needing their services.

A second role for Federal intervention is more direct. The BATF will provide staff and other resources to a prosecutorial effort under the Explosives Control Act of 1970. Although the primary concern of this legislation is explosives, legal precedent has been obtained which equates "explosive" for purposes of the Act with aerated gasoline even though an explosion does not occur. Jurisdiction would be based on a separate

showing under the Interstate Commerce Clause. One of the key advantages of prosecution under this act is that it carries a \$10,000 fine and a 10-year sentence, or \$20,000 and 20 years if an injury occurs. The key priority for Federal agencies, however, is arson that involves elements of organized crime and racketeering.

e. The Insurance Companies and the Prosecutors--Representatives of the insurance community stated their willingness to work with prosecutors to create disincentives for arson. One representative specifically stated that an appropriate way for insurance to assist in the conviction effort is to provide financial resources for the education of prosecutors in the idiosyncrasies of arson cases. District attorneys criticized the insurance industry on two grounds. First, the insurance community has been too quick to settle claims. Second, the insurance community has failed to enforce provisions of their insurance agreements that would have the effect of eliminating any claim. The response of insurance company representatives to these points was that legislation is needed to provide even greater disincentives for insurance contract breach by arson. Also, the view was expressed that the insurance community is much more willing to spend the necessary funds to prosecute suspected arsonists and is not settling suspected arson cases as often as in the past.

With regard to the FAIR Plan Insurance Program, the views of the panel members as to the advantages of FAIR Plan were inconsistent. While Attorney General Francis Bellotti of Massachusetts commented that FAIR Plan representatives had been more than helpful in litigation, the opposite view was articulated by Bronx District Attorney Mario Merola of New York City. One of the big problems registered by the panel was the existence

of excess insurance coverage beyond the FAIR Plan policy that may be unregistered in the jurisdiction. It was stated by one panel member that an appropriate Federal role would be to regulate out-of-state underwriting that is not accompanied by an inspection of the premises. Four suggestions were made concerning problems normally involved in housing insured by the FAIR Plan: first, provide that any taxes due the municipality on the property become a lien against any insurance settlement, thus reducing the incentive to arson; second, there should be greater use of condemnation laws followed by demolition of vacant buildings; third, there are possible legislative remedies at state level including modification to insurance contracts which have the effect of voiding the agreement for failure to disclose other excess or umbrella policies; and, fourth, the suggestion was made that the insurance community and/or government could reduce arson significantly by forcing repair in lieu of settlement, thus reducing the profitability of arson.

f. The Public Relations Approach--Several panel members expressed a need for community support in attacking the problem of arson. Most pointed favorably to the example set by Seattle, Washington, although those most familiar with the Seattle program were quick to add that public relations is only effective when accompanied by successful prosecutions. One specific suggestion was the establishment of tipster telephone hot-line programs. Perhaps the best overall public relations program involves a grand jury investigation that focuses on rehabilitation and preservation of neighborhoods.

g. The Problem of Dual Prosecution--The prosecutors in the panel identified as one of their major problems the fact that to be successful in state proceedings where the penalties exist for the crime of arson, you generally need to identify the "torch." One of the key advantages of Federal prosecution is that the "torch" need not be identified in all cases. Instead, fraud, racketeering, or conspiracy are at the root of the Federal statutory scheme. Again, the recurrent theme of the need for cooperation between district attorneys and Federal prosecutors was underscored.

h. The Role of Insurance Company--Strong statements were made concerning the importance of sharing data which insurance companies now hold. The point was made that greater standardization of format and consolidation of information is needed so that the prosecutors have a ready source of information concerning insurance policy changes. Also, the point was made that one of the most appropriate roles for insurance companies is to assist public relations campaigns.

i. Key Elements of the Prosecutorial Task Force Concept--The group was of a single mind in reasoning that the best way to motivate prosecutors to pursue arson cases is to create a task force by a grant or other means which pays for an assistant district attorney and requires a full-time commitment to the arson effort. The question was raised as to whether five or ten task forces would have an impact on the arson-for-profit problem which is essentially concentrated in the central core of major cities. The representative from the National District Attorneys Association made the point that 83 to 85 percent of the American population

resides within the jurisdictional boundaries of approximately 70 district attorneys. When the group began to cost a single task force, they included several investigators from both the fire and police areas as well as an assistant district attorney and other legal assistants. The approximate annual cost of one such unit was projected at \$350,000 per year. While LEAA grant funds may provide the short-term answer for the creation of such task forces, perhaps one basis for institutionalizing these entities would be direct assistance from the groups who benefit most from any savings directly attributable to a reduction in arson.

C. Statistics and Research

Philip Schaenman, Associate Administrator for Data for the U.S. Fire Administration, opened the panel discussion by identifying some of the basic difficulties in trying to get a handle on the arson problem, especially with regard to the collection of data. Efforts are being made by USFA to get improved, more complete statistics, but the difficulty is compounded by the fact that there are only three USFA field representatives in the 50 states.

The USFA is using State Fire Marshals--who are required by law to collect fire data--as data points for collection. Thirty states are now participating, reporting on a quarterly basis. Uniform definitions developed by the National Fire Protection Association are used, and there are up to 60 data inputs per fire. Of the more than 1 million fires now in the data base, approximately 25 percent are either suspicious in origin or deliberately set.

Nevertheless, problems still remain in quality control and validation of data. And there are glaring holes in research as well, Mr. Schaeffer stated. For example, we are unable to determine what percentage of "suspicious" fires are due to arson.

Charles D. Weller, Executive Director of the Denver Anti-Crime Council questioned the utility of a reporting classification entitled "suspicious." What is needed, he said, is better quality and more accurate determination of types of fires and better data input. Other panelists felt the "suspicious" classification has value as an indicator. Nevertheless, all agreed that a more accurate determination of how many "suspicious" and "unknown" fires actually are arson is vital.

Richard Dean, Supervisory Special Agent, Uniform Crime Reports, FBI, circulated to the panelists a newly devised form for standard reporting of crimes of arson under the national UCR program. The report is to be completed monthly and returned to the FBI by 15,000 law enforcement agencies around the country. The FBI feels that if these agencies cooperate in this voluntary procedure, arson will become the second best reported major crime (after murder) under UCR. There is no place on the form for reporting deaths due to arson, it was pointed out, but Mr. Dean said that this information can be picked up elsewhere. The form is being circulated on a one-year trial basis.

Richard C. Wertz, Executive Director of the Maryland Governor's Commission on Law Enforcement and Administration of Justice, raised the question as to whether we are dealing with a property crime or a crime of violence. Arson results in a heavy loss of property but also in a

large number of deaths every year. It was noted that the FBI does not classify arson as a crime of violence. Several panelists pointed out that we still do not have an accepted standard definition of arson.

Both the FBI and the USFA agree that there should be an annual report on arson giving considerable detail from the standpoint of both fire and justice. It was suggested that uniform definitions developed by NFPA be utilized. The NFPA publishes an annual survey of fires and arson, and this information can be used as well.

Dr. Robert Levine of the National Bureau of Standards' Center for Fire Research spoke about projects his organization has underway. First, they are compiling a "Handbook for Fire Investigators"--a technical manual in reference format. This pocket-size handbook containing practical, factual information will be published in about a year. The Fire Administration is providing several chapters. Second, the Bureau is compiling a detailed bibliographical study of articles dealing with the psychology of the arsonist. This study, he pointed out, will be useful to researchers and therapists.

Clifford L. Karchmer of the Battelle Human Affairs Research Center told of a manual his center is preparing on the subject of white-collar crime. It is to be a strategy document, drawing heavily on people in the field who have arson investigative experience. It will also look into the possibility of remedies available in civil court for arson victims.

James Howell, Director of the National Institute for Juvenile Justice and Delinquency Prevention, reported on work by the delinquency

assessment center at the University of Washington. Together with the Office of Education, the center is doing an evaluation of the effectiveness of programs to combat school crime. An assessment now being prepared will, among other things, try to sort out the nature and extent of juvenile involvement in arson. For example, one finding shows that 10 percent of all crimes committed by delinquents are arson-related. Areas as yet unstudied, according to Mr. Howell, include the incidence of juvenile groups committing arson, and the extent to which juveniles are involved in arson-for-profit.

On the question of proper labeling of fires, Detective Lt. Myron A. Franks of the Michigan State Police pointed out an interesting result of a judicial decision. Since the Michigan Supreme Court has decreed that fire department personnel need a search warrant to enter a premises if a certain period of time has elapsed since the fire was extinguished, many more fires are being classified as "suspicious," and in fact this category now outnumbers that of "arson." In other words, investigators in many cases feel it isn't worth the trouble and red tape to pursue the investigation. Thus the panelists decided that an important research goal would be to determine what tools are needed to help investigators conform to legal requirements.

Robert E. Carter, Chief Fire and Arson Investigation Specialist for NFPA, brought up the matter of rural fires. Some 80 percent of the investigations in Virginia last year were in extreme rural areas. The volunteer firemen who man these rural fire departments will not be able to spot arson. He argued against setting up arson squads or task forces for cities alone.

Mr. Schaenman suggested that courses be devised to provide better training for firemen and fire investigators in recognizing evidence of arson. It was also recommended that insurance claims adjusters receive training in arson detection. Possibly groups of specialists trained in this field would be the answer. And many panelists stressed the need for closer cooperation and coordination between fire and law enforcement agencies and the insurance industry.

The whole question of the involvement of the insurance industry was then discussed at some length. Several panelists were very critical of the industry, feeling that by its procedures, it actually contributes to the problem. A large part of fire loss is covered by insurance, and the fact that industry pays off claims for these losses without much question creates an incentive for the arsonist.

James E. Jones, Jr., of the Alliance of American Insurers pointed out in reply that insurers in many states must settle claims within 30 or 60 days, and the companies have to be very sure they have proof of arson before they deny a claim. Furthermore, the claimant might well be the arson victim, rather than the perpetrator, and therefore would be entitled to settlement.

Mr. Carter of NFPA supported Mr. Jones' points. It has been his experience that the insurance industry is well aware of and concerned about the arson problem. Many times, they have no alternative to settling. It is very difficult to establish arson, even after 2 months of investigation. Nevertheless, the view of many panelists was that insurance

agencies should set more stringent standards, both in underwriting and in claims settlement. Mr. Wertz pointed out that two of the five recommendations made by the National Conference of State Criminal Justice Planners in July, 1979, concerned the need for just such stringent standards.

Mr. Karchmer stated flatly that owners who are likely to burn their properties should not get coverage. Underwriters should identify physical hazards and look at both the property and the applicant for indicators of dishonest intent before writing coverage. The degree of success of this approach could be monitored by a model set up for two or three trial cities to study its cost-effectiveness over time.

The FAIR Plan was considered by everyone to be an incentive to arson, but it was agreed that under present regulations, the insurance industry's hands are tied. The industry at first tried to evaluate FAIR Plan applicants, Mr. Jones stated, but the government ordered it not to do so unless this also was the practice in the private market. There are 28 such plans, set up to provide insurance in areas that private companies will not handle, such as ghettos. These state-run plans are guided by Federal Insurance Administration regulations, but there is no central leadership. The panelists felt the plans are lax with regard to underwriting and claims, thus creating economic incentives for "morally hazardous" people.

Mr. Karchmer proposed as a subject for research what he termed the misdefinition of "arson-for-profit." Insurance payoffs in such cases actually represent subsidies paid by the general public through increased premiums. It would be worth studying what subsidies, such as tax rebates

or abatement, might then be provided to reduce the incentive to commit arson. In other words, he stated, look at the motives for arson-for-profit, and then look for possible deterrents.

A contrary view to the concept that white-collar arson is a major problem was expressed by Lawrence G. Gunn, Law and Justice Planning Division, Seattle City Manager's Office. He stated that data acquired in his city over an 11-year period show "arson-for-profit" to represent only about one percent of all fires there. A far greater proportion of fires, he said, are due to vandalism. This view was supported by James Howell in his report of an assessment being prepared at the University of Washington concerning crimes committed by juvenile delinquents. Mr. Gunn suggested that the panel's approach should be toward development of a data base from which new planning information can be derived. More data should be collected on motivation and age groups committing arson, for example.

The panelists felt a study should be made to show the loss that arson causes to the tax base of given jurisdictions. People in local decision-making positions need to be made aware of the nature and extent of the arson problem and to understand its impact. The need for money, equipment, and training must be recognized at that level; an analysis of tax-loss data will be of interest to politicians and will bring home the problem to them. Another related area for additional research is how to provide incentives for local banks and businesses to take a more active role in studying and combating arson.

One of the key areas for study and research, all panelists agreed, is to ascertain which programs actually work, why they do, and how they can

be transferred to other areas. For example, the arson early-warning system has been successful in Boston, and is being transferred to New Haven. The arson task force in Seattle and the juvenile counseling program in Los Angeles are other success stories. Michigan and Ohio use data collected on arson as well as "suspicious" and "unknown" fires to try to identify patterns and motives. The total number of fires in Milwaukee and Buffalo, as well as the total in the "suspicious" and "unknown" classifications, dropped dramatically once all fires were investigated.

III. FINDINGS

Summarized below are the findings and conclusions reached by the three panels as a result of their discussions:

A. Prevention

Panel members agreed that it would be simplistic to expect a day-and-a-half conference to develop a detailed national strategy to prevent arson or to deal with it after the fact. However, this brief search for areas of agreement on how to attack the problem was seen as having the potential to provide useful guidance to policymakers and planners.

There was also agreement on the potential value of developing a reliable method or means of predicting when arson was likely to take place, perhaps in the form of a checklist of indicators based on known statistics in various parts of the country. This is an area for research and further study.

Some cities have found that certain measures tend to prevent or reduce arson, including rehabilitating a declining neighborhood, encouraging better practices by building superintendents, and sealing abandoned buildings against squatters and vandals. Results were mixed when either preventive patrol or surveillance were tried. And, letting citizens know that suspected arson would be fully investigated had a definite deterrent effect in some cases. Deterrence, particularly of arson-for-profit, was generally seen as a realistic method of prevention; it says, in effect, "We probably can't stop you from setting your building on fire, but we're going to catch and punish you if you go ahead and do it."

Agreement was general that arson by vandals or psychopaths ("arson-for-thrills") was very hard to predict and almost impossible to prevent.

B. Investigation

In the area of investigating arson, the most promising approach appeared to be the joint task force, blending cross-trained fire and police investigators in a specialized unit that would attempt to reach fire scenes as soon as possible after an alarm was received. The cross-training, as might be expected, consists of teaching investigative techniques to firemen, methods of collecting arson evidence to police detectives. In addition, the task force concept eliminates "turf" attitudes, which can impede any improvement in handling arson cases. Successful task forces should be studied and instructions for replicating them prepared.

Another promising development for arson investigators is access to a variety of useful insurance company information on claimants and other policy holders, free of liability for privacy violations. To enjoy this access, there must be a state law providing for immunity in such cases, and 16 states have passed such a statute. A model immunity law is available from the Alliance of American Insurers.

The importance of involving the states attorney or local prosecutor in investigative training design was stressed; this enables the prosecutor to emphasize the things he needs to get convictions.

A much expanded arson training and technical assistance program appears to be a necessity for almost every state. All levels of personnel involved in an arson investigation need it--the fireman who must come up with the initial diagnosis, the policeman who must follow the leads and tie the evidence to the perpetrator, and the prosecutor who must convince

the judge or jury that the accused was involved in the arson. Improvements in technical facilities, arson laboratories in particular, as well as in data handling and information dissemination are also needed.

C. Enforcement

The findings of this panel tended to agree for the most part with those of the panel that considered arson investigation. The task force concept seems by far the best approach to enforcement as well, with the added factor of the inclusion of personnel from the prosecutor's or district attorney's office. Federal representatives on such task forces were also seen as advantageous, particularly those from the FBI and BATF. The need for legislative support, training, and Federal assistance underscored similar findings by the investigation panel.

D. Prosecution

Successful prosecution, particularly of arsonists-for-profit, was seen as one of the most effective deterrents to future arson. The panel was strongly opposed to plea bargaining in arson cases and felt that judges should be educated to be more concerned about arson even though no personal injury or death is involved.

Better methods for collecting and preserving evidence were identified, and the need for continuing support from Federal technical laboratories was stressed. Methods of involving the Federal Government in arson cases were described, including prosecution under the Explosives Control Act.

Prosecutors on the panel expressed the view that the insurance industry has been too quick to settle claims and has not utilized policy provisions that would serve to eliminate claims in suspected arson cases.

Excess insurance coverage on top of that provided under the FAIR Plan was also seen as a problem, especially when out-of-state underwriting becomes involved.

The needs of prosecutors for hard evidence in arson cases were described, and various suggestions were put forth for evidence collection and preservation at the scene of the fire at as early a stage of the fire suppression process as possible.

E. Statistics and Research

The panel agreed that there is a need for more information and better reporting on arson, in order to get a better profile of the problem. More data must be provided on motivation, in addition to the obvious one of profit. This would include, for example, studies into the motivation of juvenile arsonists.

Problems remain in quality control, validation, and credibility of data. And semantics is still a problem; standard operating guidelines for definitions and uniform terminology need to be developed.

The panelists felt that a uniform reporting system, using standard terminology and procedures, would help to provide an improved data base. These data could then be analyzed and shared among all users--local, state, and national, public as well as private--so that the users could adapt them to their own situations. In this connection, better coordination and cooperation among the users needs to be developed.

Training is another area for improvement, the panelists agreed. Insurance adjusters and certain selected police and fire personnel in both rural and urban areas must be trained in arson detection and investigative techniques. Research must be carried out to develop the tools that will

enable both investigators and prosecutors to make a case that will hold up in court.

Because current underwriting and claims practices in the insurance industry create an incentive for white-collar arson, the panel found that more stringent standards need to be set in those areas to make it tougher for the would-be arsonist to obtain insurance and receive a claim settlement. This is an especially difficult goal to achieve with FAIR Plan insurance in high-risk sections.

The panelists found that there needs to be more awareness at local government and business levels of the seriousness of arson in terms of loss of life, property, and economic (tax) base.

The panel also found that more research is required in identifying the systems and methods that have already had success, determining why they work, and showing how they can be utilized elsewhere.

IV. RECOMMENDATIONS

The recommendations of the three panels were presented to the workshop participants in a plenary session on February 2. Panel recommendations are summarized below, and areas of agreement are then utilized to synthesize a set of broad, overall recommendations for attacking the arson problem.

A. Prevention and Investigation

The panel divided its recommendations into these four broad action areas:

1. Policy-level arson task forces should be established
 - Political and legal environments must be considered
 - Training and technical (laboratory) support to operational needs must be provided, perhaps through grant aid
 - Policy leadership must be provided, possibly by the prosecutor, but police, firemen, tax officials, insurance companies, and citizens groups should all be involved
 - Goals should be to attack both prevention and investigative problems--the proactive and reactive approaches
2. Data analysis and problem diagnosis should be improved
 - Under Justice Department and Fire Administration leadership, pull together all that is known about arson into a data system that will assist in determining causes and permit definitive reports to be written

- Identify successful approaches to the arson problem and how these have been organized and managed (for potential replication)
 - Good diagnostic tools, including typical causes of arson and the modus operandi involved, will assist in anticipating problems and preparing for them
3. Arson investigative capabilities must be improved
 - As first on the scene, firefighters are a key to better initial investigation; they should be trained in the proper techniques, possibly with technical assistance
 - All organizations concerned must be sensitized to the problems of the others--fire, police, prosecutors, underwriters, citizens
 - All fires of suspicious origin should be investigated and causes determined, to the extent feasible
 - Quality of arson reporting should be improved
 4. Proactive prevention strategies should be devised
 - Educating the public about arson is essential
 - There should be broader citizen involvement in operational tactics such as citizen patrols, rewards for information about an arson
 - Potential arson targets (buildings) should be identified, closed, and sealed

- Reducing opportunities and increasing penalties arson are part of the necessary program to create more disincentives, raise the risk level for arsonists
- Utilize stabilization procedures for declining areas and neighborhoods identified by problem analysis
- The strategies developed should be flexible to allow for change

B. Enforcement and Prosecution

1. The panel recommended that the Law Enforcement Assistance Administration fund several task forces incorporating all the necessary elements of an arson investigation and prosecution. These task forces should organizationally be structured under the control of the prosecutor as an entity apart from the fire and police departments. As a condition precedent to grant approval, there should be evidence of cooperation among these three local functions.

2. The emphasis in future training efforts should be to create mutual sensitivity for the needs of other roles in the arson investigation and prosecution process. Thus, firefighters need become better police officers need become prosecutors need become better firefighters.

3. There is an appropriate role for the Federal Government in pursuing the arson problem both in terms of direct assistance when organized crime and conspiracy are involved and as a provider of technical support through the FBI and BATF analysis laboratories.

4. Efforts must be made to create disincentives to arson-for-profit. These disincentives follow basic approaches: First, judges need to be

educated concerning the need for stronger sentencing; second, where appropriate, the underlying statutory scheme needs to be strengthened; third, the economic disincentives need to be strengthened, including greater disclosure requirements on insurance contracts and refusal on the part of insurance companies to settle claims where there are indications of arson having occurred.

C. Statistics and Research

The panelists separated their recommendations into three categories: research and analysis which can be expected to yield results within a relatively short period (about one year); research which will take a longer time to complete; and data and statistics that need to be developed. Specific recommendations, by category, follow:

1. Short-Term Research and Analysis

- Identification of "what works" and is transferrable.
 - Compilation and analysis of successful programs, such as task forces.
- Analysis of data on city tax-base losses and other losses and costs due to arson, such as workmen's compensation paid because of injuries to firemen.
 - Provide this information to top local officials; ascertain the priority they give to the arson problem.
- Pilot studies of rigorous screening procedures in underwriting.
 - Identify indicators of dishonest intent

- Conduct samples to determine cost-effectiveness
- Look into possibility of tying or limiting program to FAIR.
- Development of diagnostic arson profile as policy-making tool.
 - Identify what to collect and how to use it
 - Scope and components of arson problem: Motivation age groups, etc.
- Legal research, including:
 - (a) Tools for investigators
 - Where to go for training and other help
 - Utility of evidence
 - Knowledge needed to "get the goods."
 - (b) Tools for investigators
 - How to keep from getting cases thrown out of court.
- Examination of police-fire reporting of fire incidents.
 - Sample arson data by police and fire to see how they match
 - Does data get dropped "between the cracks?"
- Needs and assessment of training.
- Development of model administrative rules for search and seizure, when cause of fire is unknown.
 - Conforming with legal requirements, such as search warrant.

2. Longer Term Research and Analysis

- Detailed study of factors in arson-fraud
- Eliminate incentives for arson-for-profit and arson-for-hire
- Make it attractive for businesses (banks, insurance, etc.) to study the arson problem and cooperate in eliminating it.
- Detailed study of the arsonist.
 - View arson from perspective of the offender.
 - How does he look at rewards and risks?
 - What would prove strong deterrent?
 - What are his methods of operation?
- Study markets that seem plagued by arson.
 - Determine when arson rings enter the picture
 - Study arsonist as entrepreneur
- Research into sophisticated methods of arson
- Needs and uses of arson statistics.
- Study of feasibility of Federal clearing house for arson data.

3. Data and Statistical Requirements

- Consensus on operational definitions
 - Type of arson
 - Motive
 - Categories ("suspicious," etc.)
 - Add "probable" motive in arrests. This could be determined from the type of fire and would provide useful data for analysis

- Standard reports
 - Include, inter alia, arrest records, probable motive, methods.
 - Include data from fire, even if no arrest.
- Special annual report on arson
 - Include money and lives lost
- State-of-the-art regarding statistical reporting systems,
- Coordination and exchange of information among users
 - Industry, state and Federal governments, police and firefighters
 - "Who's doing what?"
- Improved rural statistics.

D. A Synthesis

In the findings and recommendations of the three panels, certain patterns emerged and there were broad areas of agreement on key issues. Allowing for differences in approach, these general recommendations could be identified:

1. Efforts must be concentrated on developing a better data base, faster and more effective reporting of fires and arson, and target-oriented research in order that strategic planning and tactical anti-arson operations can be more effectively carried out. Federal assistance can be very useful in this effort.
2. Prevention of arson is possible but very difficult, especially where vandalism and pyromania are the causative factors; initial concentration, therefore, should be on the area most amenable to action--arson-for-profit.

3. The insurance industry has a key role in any anti-arson strategy, but immunity laws to permit it to cooperate with law enforcement agencies are a necessity for every state. The 34 states currently without such laws should be encouraged to enact a law that follows the available model.

4. Based on the accomplishments of existing task forces, this approach to arson investigation and prosecution should be pursued. The experiences of successful local task forces should be made available to fire and police services as well as prosecutors and district attorneys for purposes of efficient replication.

5. Federally-supported training holds the potential key to solving the arson problem. Cross-training for task force members is vital to the effective operation of task forces, and national standards and applicable training materials must be developed and made available. An educational program for prosecutors should also be part of the training program, which can best be provided through technical assistance. Arson-detection equipment should be furnished to state and local crime labs in order that they will be able to properly analyze arson evidence.

ARSON WORKSHOP PANEL CO-CHAIRMAN AND MEMBERS

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Co-Chairmen: John Rector, Associate Administrator, Office of Juvenile Justice and Delinquency Prevention, LEAA
Paul Cascarano, Assistant Director, Office of Technology Transfer, National Institute of Law Enforcement and Criminal Justice, LEAA
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Al Brunacini, Chief, Phoenix Fire Department
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James C. Robertson, Fire Marshals Association of North America and Chairman, IACP Arson Committee
Eugene Stewart, Assistant Vice President of Corporate Security, Delta Airlines, Inc.
Dan K. Webb, Director, Illinois Department of Law Enforcement (and Sally Ward)
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William R. Drake, Director, Public Safety Program and Technical Service, National League of Cities

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Don Flynn, Supervisory Special Agent, Criminal Investigation Division, FBI
Miles N. Keathley, Assistant Director, Criminal Enforcement, ARF (and Robert Sherman and Jim Reeves)
Nathaniel Kossack, Perito, Duerk & Carlson
Sheriff William Lucas, Wayne County, Detroit, Michigan
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Richard Dean, Supervisory Special Agent, Uniform Crime Reports, FBI
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Lawrence G. Gunn, Seattle City Manager, Law & Justice Planning Division
James E. Jones, Jr., Government Affairs Representative, Alliance of American Insurers and Representative of Insurance All-Industry Committee for Arson Control
Clifford L. Karchmer, Law and Justice Study Center, Battelle Human Affairs Research Center.
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ARSON STRATEGY WORKSHOP AGENDA

February 1-2, 1979

February 1, 1979 - Thursday

9 - 9:30 am	Registration		
9:30 - 10 am	Introduction	Henry S. Dogin Deputy Administrator LEAA	Conf. Rm. B. (1&2) Main Justice 1300 Corridor
	Opening Remarks	Benjamin R. Civiletti Deputy Attorney General Department of Justice	
	Comments	Gordon Vickery Administrator-Designate U.S. Fire Administration	
	Panel Activities	J. Robert Grimes Assistant Administrator LEAA	
10 - 12 Noon	Panels:	Prevention & Investigation Enforcement & Prosecution Statistics & Research	Conf. Rm. B2 Conf. Rm. A Conf. Rm. B1
12 - 1:30 pm	Lunch		
1:30 - 4:30 pm	Panels Continued		
4:45 - 5:50 pm	Film	"Anatomy of an Arson"	Conf. Rm. B (1&2)

February 2, 1979 - Friday

8:30 - 11 am	Panels:	Prevention & Investiga- tion Enforcement & Prosecution Statistics & Research	Conf. Rm. B2 Conf. Rm. A. Conf. Rm. B1
11 - 12 Noon	Panel Reports of Findings and Recommendations to Full Workshop		Conf. Rm. B (1&2)
12:00 - 12:30	Closing Remarks	Mr. Dogin and Mr. Grimes	

END