

SANTA ANA POLICE DEPARTMENT

DAVID VALENTIN · CHIEF OF POLICE

TRAINING BULLETIN

"Education promotes professional and responsive law enforcement"

Arson Investigations

Purpose

The purpose of this Training Bulletin is to provide an overview of the Santa Ana Fire Department's role in arson investigations and establish procedure for assisting the fire department in arson-related investigations.

Introduction

The Santa Ana Fire Department investigates all arsons occurring in the City of Santa Ana. SAFD fire investigators are peace officers per PC 830.37 and as such are permitted to carry firearms and make arrests while performing their duties as investigators. The Santa Ana Fire Department relies on the Santa Ana Police Department to provide support and assistance in the investigation of fire-related crime.

I. Applicable Statutes

A. PC 451

Arson of structure, forest land or property-A person is guilty of arson when he or she willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels, or procures the burning of, any structure, forest land, or property*.

A violation of this section is a felony.

*It is **not** a crime to burn one's personal property unless there is intent to defraud or there is injury to another person or another person's structure, forest land, or property.

B. PC 452

Unlawfully causing a fire of any structure, forest land or property-A person is guilty of unlawfully causing a fire when he or she recklessly sets fire to or burns or causes to be burned, any structure, forest land or property.

A violation of this section occurs when a person's reckless behavior causes a fire. As an example, a suspect who accidentally sets fire to his apartment complex while attempting to manufacture methamphetamine could be charged with this section.

A violation of this section is a wobbler. If the fire causes great bodily harm, the suspect can be charged with a felony. Fires that burn an inhabited structure, uninhabited structure or forestland can be filed as misdemeanors or felonies.

C. PC 453(a)

Possession of flammable material—Every person who possesses, manufactures, or disposes of any flammable, or combustible material or substance, or any incendiary device in an arrangement or preparation, with intent to willfully and maliciously use this material, substance, or device to set fire to or burn any structure, forest land, or property, shall be punished by imprisonment in the state prison, or in a county jail, not exceeding one year.

An "Incendiary Device" is a device that is constructed or designed to start an incendiary fire by remote, delayed, or instant means (i.e. a Molotov cocktail). A violation of this section is a wobbler.

D. PC 455

Attempted arson—Any person who willfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any structure, forest land or property, or who commits any act preliminary thereto, or in furtherance thereof, is punishable by imprisonment in the state prison for 16 months, two or three years.

II. Structure and Function of the SAFD Fire Investigation Unit

At present time, the SAFD has four fire investigators. Three of these investigators are shift investigators and one is a full-time lead investigator. Shift investigators are assigned to Station 6 at 950 W. MacArthur and work 24-hour shifts. Shift investigators work from the Fire Investigation Office located at the SAFD training facility at Centennial Park from 0900 to 1700 hours.

Along with their station and engine company duties, shift investigators are responsible for determining cause and origin for large-loss fires, fires with injuries or death to occupants or firefighters, incendiary fires (arson), and assisting other fire captains with cause and origin determination.

The lead fire investigator is in charge of the Fire Investigation Unit and reports to the Fire Marshall. The lead investigator is assigned to the Fire Investigation Office and works a 4-10 schedule, Monday through Thursday. A detective from the Santa Ana Police Department Investigations Bureau is assigned to act as a liaison between the SAFD fire investigators and the SAPD. This detective assists fire investigators as needed and coordinates operations requiring representatives from both the SAFD and the SAPD.

Fire investigators are on call 24 hours a day seven days a week and will respond from home if needed; however, not all fires require a fire investigator. Many times the on scene fire captain will complete cause and origin reports and, if needed, contact the Santa Ana Police Department. Officers can complete either an information report or a crime report depending on the circumstances and CSI can photograph the scene and collect any evidence. All fire captains have received training in basic fire investigation and are qualified to determine cause and origin. In most cases, the Santa Ana Police Department will not respond unless the captain suspects arson or there are suspicious circumstances.

Much like detectives from the SAPD Investigations Bureau, SAFD fire investigators carry a caseload and conduct follow-up investigations on reported arson cases. While working fire investigations, SAFD fire investigators are usually armed. Patrol-generated information reports on suspicious fires and arson-related crime reports are all forwarded to SAFD investigators for additional investigation and follow-up.

III. The Role of the Police Department in Fire Investigations

Generally speaking, the police department is asked to complete police reports, conduct crime scene investigation, and assist the on scene fire captain and/or fire investigator with their investigations.

On occasion, an officer may observe or be dispatched to a fire scene to which the fire department has not yet responded. In most cases, the fire department will already be enroute and should arrive shortly. Responding officers should not park their vehicles in an area where the fire department may need to stage.

Officers who respond to the scene of a fire and the fire has already been extinguished, should not cancel the responding fire units. If the fire department was never called, request that they respond to verify that the fire is completely out and to determine cause and origin of the fire. The fire department should respond to any scene where fire damage has occurred. If officers are unsure if a fire department response is warranted, request dispatch contact the fire department and relay the circumstances.

In situations where an arrest is made and a fire investigator is not on scene, the arresting officer shall notify the on-duty fire investigator of the circumstances as soon as practical and provide him or her with the case number and arrestee information.

Officers shall comply with any safety-related instructions that fire captains or firefighters give them at the scene. These instructions may include evacuation from a particular area, the use of protective equipment, or a request to assist with public safety issues.

If an officer has a particular concern with an on scene fire captain that is not fire safety related the officer should contact his or her immediate supervisor to convey the concern. If the supervisor is unable to resolve the problem, he or she may contact the on-duty battalion chief to discuss and/or address the problem. The supervisor should also contact the SAPD fire department liaison officer, currently assigned to District Investigations, and brief him or her on what occurred. In most cases, an e-mail or telephone message will suffice.

A. Police Reports

When a fire captain determines that a fire is arson, the police officer assigned to assist shall complete a crime report. If the cause of the fire is undetermined, the officer may be asked to complete an information report. If an arrest is made, the officer shall complete a crime-arrest report. As is the case in any crime or information report, the reporting officer should seek out and interview potential witnesses and document their statements in his or her report. The officer should interview the on scene fire captain and/or fire investigators and document why he or she feels the fire is arson. The reporting officer should include the run number and case number of the cause and origin report in the narrative of his or her report. The officer should also include his or her own observations and list identifying information on victim vehicles and/or property. In addition, the officer should include any pertinent suspect information in the report.

If there are suspect leads, the officer should attempt to locate, interview and, if warranted, arrest the suspect. If the officer has questions regarding an arrest, he or she should consult with the on scene fire captain or a fire investigator for further direction. If practical, the officer should consider interviewing potential suspects in the presence of a fire investigator. A fire investigator is always on duty and will usually be able to respond within the hour. At the very least, a fire investigator should be able to provide assistance or guidance by telephone if he or she is unable to respond.

Evidence should be collected and processed by SAPD CSI officers. Police officers should **not** touch or collect evidence unless directed to do so by the on scene fire captain or fire investigator. This evidence is sometimes dusted for prints and/or swabbed for DNA and should not be handled until it is properly processed. If possible, the officer should determine what evidence was collected and mention it in his or her report.

When a stolen vehicle is the target of a fire, the responding officer should complete the applicable recovery report and a supplemental report under the same case number to document the circumstances of the fire. A hold should not be placed on the vehicle unless a fire captain or fire investigator requests one.

B. Crime Scene Investigation

SAPD CSI officers have received training on the proper collection of arson-related evidence. In most cases, the on scene fire captain or fire investigator will direct the CSI officer to any potential evidence. CSI officers will photograph the scene and perform any other CSI duties the fire captain and/or fire investigator deems necessary. CSI officers will document their observations and actions in a supplemental report.

C. Miscellaneous Tasks

The on-scene fire captain's (or battalion chief's) primary duty is to direct a response to the immediate danger at hand. Once the fire is extinguished, the captain has additional duties including overhaul and cleanup of the fire scene and determining cause and origin. Due to his /her on scene responsibilities, the fire captain may ask police officers to locate and

interview potential witnesses and/or suspects. The fire captain may want to speak to some of these individuals personally to assist him in determining cause and origin. Fire captains do not have the same training and experience that police officers have in interviewing techniques, Miranda issues, and officer safety. For this reason, they may ask responding police officers to assist them in these areas.

Fire investigators receive advanced training in investigation and possess police powers while they are on duty. Nonetheless, fire investigators often require police assistance to execute search warrants and safely make arrests.

Summary

While the Santa Ana Fire Department is tasked with fire investigations, fire investigators rely on the Santa Ana Police Department to provide additional assistance when needed. In most cases, this assistance consists of generating police reports, conducting crime scene investigation, and assisting with other investigative duties. SAFD fire investigators conduct all follow-up investigations on arson cases and occasionally call on the police department to provide support.

Acknowledgment:

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