

Running head: ROLE OF FIRE INVESTIGATORS AS LAW ENFORCEMENT

Determining the responsibility and role of fire investigators trained as
law enforcement officers in Spartanburg, SC

John B. Hall

City of Spartanburg Fire Division

Spartanburg, SC

CERTIFICATION STATEMENT

I hereby certify that this paper constitutes my own product, that where the language of others is set forth, quotation marks so indicate, and that appropriate credit is given where I have used the language, ideas, expressions, or writings of another.

Signed: _____

John Bradley Hall

Abstract

The Spartanburg Fire Division has decided to send its three fire marshals to the South Carolina Criminal Justice Academy to become certified law enforcement officers. The problem is that they are becoming certified law enforcement officers and have no policy, guidelines, or general knowledge on their role and scope when conducting fire investigations, which could lead to unsuccessful arson prosecutions during these investigations. The purpose of this applied research project (ARP) is to determine the responsibility and role of fire marshals during both on scene fire investigations and post-fire scene follow-up investigations. Original research was conducted for this ARP using the descriptive and evaluative research methods involving a survey and interviews. Research questions that are looking to be answered include how other fire departments conducting fire investigations with cross trained fire investigators, what new duties can a fire investigator in South Carolina complete when acting as a law enforcement officer, what does the police department expect from fire investigators, and what are the factors that influence sustainable and successful implementations of cross trained fire investigators with police powers? A literature review was also performed into state law, local and non-local department operations, police department expectations, and important points to consider when implementing this type of program. Research indicated that the fire investigator as a sworn law enforcement officer was allowed in South Carolina and in fact was widely practiced across the United States. The police department supported the training and other fire investigators felt that the training had been very beneficial to their jobs. It was determined that a comprehensive standard operating procedure needed to be established and a framework for this procedure was proposed.

Table of Contents

Abstract.....3

Table of Contents.....4

List of Figures.....5

Introduction.....6

Background and Significance.....7

Literature Review.....10

Procedures.....19

Results.....21

Discussion.....36

Recommendations.....40

Reference List.....42

Appendices

Appendix A: Interviews.....44

Appendix B: Interview Subjects Resume/CV.....59

Appendix C: Survey.....78

Appendix D: Letter from South Carolina Criminal Justice Academy.....82

Appendix E: Draft SOP.....87

List of Figures

Figure 1. Does your department conduct origin and cause investigations? (actual).....21

Figure 2. Does your department conduct origin and cause investigations? (percentage).....21

Figure 3. Do you have a dedicated fire marshal or fire investigator?.....22

Figure 4. Do you have a written policy on fire investigation procedures?.....23

Figure 5. If a fire is determined to be intentional, is it...? (actual).....24

Figure 6. If a fire is determined to be intentional, is it...? (percentage).....24

Figure 7. Once an investigation is turned over to the police for follow-up...(actual).....25

Figure 8. Once an investigation is turned over to the police for follow-up...(percentage).....25

Figure 9. Are your fire investigators sworn law enforcement/peace officers? (actual).....26

Figure 10. Are your fire investigators sworn law enforcement/peace officers? (percentage).....26

Figure 11. Is/would having a fire investigator with law enforcement powers beneficial to your department? (actual).....27

Figure 12. Is/would having a fire investigator with law enforcement powers beneficial to your department? (percentage).....28

Figure 13. How many members does your department have?.....29

Figure 14. Is your department...?.....29

The Spartanburg Public Safety Department, Fire Division, includes the Fire Marshal's Office which is tasked with performing origin and cause investigations at all structure fires, certain vehicle fires, and any fire where injury or death has occurred to a citizen. During the course of investigating fires, often times members are functioning as quasi law enforcement officers when the fire is determined to be arson. In an effort to increase the training and knowledge of our fire investigators, the decision has been made to send all three fire investigators to the police academy to become sworn law enforcement officers. The problem is the Spartanburg Fire Division Fire Marshal's Office are becoming certified law enforcement officers and have no policy, guidelines, or general knowledge on their role and scope when conducting fire investigations, which could lead to unsuccessful arson prosecutions during these investigations.

The purpose of this applied research project (ARP) is to determine the responsibility and role of fire marshals during both on scene fire investigations and post-fire scene follow-up investigations. Original research was conducted for this ARP using the descriptive and evaluative research methods. Research questions that are looking to be answered include how are state and nation-wide fire departments conducting fire investigations with cross trained fire investigators, what new duties and roles can a fire investigator in South Carolina complete when acting as a law enforcement officer, what does the police department expect from fire investigators when investigating a fire and when conducting post-fire investigations, and what are the factors that influence sustainable and successful implementation of cross trained fire investigators with police powers?

The research approach will be to survey state and non-local fire departments to determine how they are conducting fire investigations (targeted to departments that have members of fire

investigative professional organizations), conducting interviews and research into South Carolina law to determine what new roles are added by becoming law enforcement officers and what training is necessary for those new roles, conducting interviews with police department members (supervisor and investigator) to determine what role we will play in investigating fires and working on post-fire case follow up, and surveying fire investigators from regional departments to determine how they handle arson cases, follow-up, and if they feel there is a perceived benefit to having a sworn law enforcement officer investigating the case.

The final product of this ARP will be to outline critical elements that need to be incorporated into a standard operating procedure for the fire marshal's office. Development of a standard operating procedure is critical to the successful performance of fire investigators in our department in pursuing the crime of arson. If the crimes are not properly investigated and the case is not handled in accordance with law, the case or critical components of the case will be inadmissible in court, which will lead to unsuccessful arson prosecutions.

Background and Significance

The City of Spartanburg was founded in 1831 centered on a small spring in what is now the downtown area (City of Spartanburg, 2012). Since that time, it has grown significantly as it presently encompasses approximately 20 square miles and is known as the "Hub City" due to the many railroad lines that cross the city (City of Spartanburg, 2012). The permanent population is approximately 40,000 with an estimated daytime population of 125,000 (City of Spartanburg, 2012). The city is home to many corporate headquarters, including Denny's, QS/1, Advance America, JM Smith Corporation, and others. It is also the home of Wofford College, Converse College, University of South Carolina Upstate George Dean Johnson Business School, and

Spartanburg Community College. Wofford College is the home of the Carolina Panther's summer camp (City of Spartanburg, 2012).

The Spartanburg Public Safety Department is divided into two divisions, police and fire. The Public Safety Director oversees both divisions, with the police colonel in charge of the police division and the fire chief in charge of the fire division. The fire division is comprised of 69 suppression personnel, 23 on each of three shifts. In addition to the suppression personnel, there is a daytime Monday through Friday fire chief, training officer, mechanic, secretary, fire marshal, and two deputy fire marshals. The department currently has five stations with five engines, two ladder trucks, and a heavy rescue. The fire division was founded in 1873 (City of Spartanburg, 2012) and is an all-career department. The division is accredited by the Commission on Public Safety Excellence and is currently rated by the Insurance Services Organization as a class two department (City of Spartanburg, 2012).

Presently, the fire marshal and two deputy fire marshals serve as the fire investigators for the division. They are available on a rotating on-call basis at all times. Routine structure fire calls receive two investigators, where fatalities or large fires may receive all three. Small incidents are typically handled by one investigator. Currently, when a fire is determined to be arson, a police officer is requested out to make a police incident report. The report is then approved by a police supervisor and sent to the police division's criminal investigations unit, where it is reviewed by a supervisor and assigned to an investigator. This process may take from one to three days, depending on the circumstances of the case and other cases being handled by criminal investigations. In the past, fire investigators have requested a criminal investigator to respond to the scene to obtain a warrant, assist with interviews, or other actions. An investigator is not always available immediately and could be several hours before they arrive. This has led to long

periods of down time on scene while waiting on a warrant before the investigation can be further held.

The larger crimes of arson, such as those involving a structure or business, are often followed up on in detail by the police investigator. Smaller arson crimes, such as vehicle fires or small fires within a structure, are considered less important and are often not followed up on in depth. This has led to inconsistency, and, coupled with the delay in having the case assigned to a police investigator, the arrest record is around five percent over the last ten years. Most often, an arrest is made on a witnessed arson fire or based off a confession. Very seldom is an arson arrest made in the community based upon “routine” police work of tracking leads, knocking on doors, and physical evidence.

During several different fire investigations over the past five years, fire investigators have responded to fires where other crimes have been committed, including breaking and entering, vandalism, and drive and walk-by shootings. On one occasion, a fire investigator was working a vehicle fire alone when another vehicle drove past him and began firing at the burnt vehicle and house. On another occasion, a fire investigator was investigating a rear porch fire coupled with a walk-by shooting of the back of the house. The fire investigator went inside to assess the structure with a police officer, then found himself alone with several people in a back room. Had one of these people confronted him or one of the arsonist/shooters returned and caught the investigator in the house, he would have been unarmed and in a dangerous situation. With these situations in mind, the Fire Chief and Public Safety Director decided to send the Fire Marshal’s Office to become law enforcement officers. The main desire was to arm them so that they would not be totally exposed during investigations and to also provide training on conducting further investigation responsibilities. There is no written fire investigation SOP to provide guidance on

how the Fire Marshal's Office members should operate once they have become certified law enforcement officers, and there is little information available on their role, responsibility, and scope as provided by the State and their own department.

This applied research paper will address the United States Fire Administration strategic goals of reducing risk at the local level through prevention and mitigation, improving local planning and preparedness, and improving the fire and emergency services professional status (National Fire Academy, 2012a). This paper will also link the Executive Development course of the Executive Fire Officer Program at the National Fire Academy by conducting research into fire investigators roles, helping to set a baseline for change management prior to the shift to law enforcement training, and contributing to organizational culture and change when the research is completed and the training takes place (National Fire Academy, 2012b).

Literature Review

The literature review will address the research questions in chronological order. There was not a tremendous amount of resources that were found in traditional sources such as fire trade publications, previous ARP projects, and fire investigative publications that pertained to the subject of training fire marshals as certified law enforcement officers. The literature was found using the National Fire Academy's Learning Resource Center, Google, Google Scholar, SPSD reference materials, and personal interviews.

1. How are state and nation-wide fire departments conducting fire investigations with cross trained fire investigators?

Fire investigations in the State of South Carolina are predominantly conducted by local fire departments. The International Fire Code (2006), as adopted by SC state law, states in section 104.10 Fire Investigation, "The Fire Code Official, the fire department or other

responsible authority shall have the authority to investigate the cause, origin, and circumstances of any fire, explosion or other hazardous condition.”

According to DeHann (2007), every fire should be investigated to seek out the crime of arson. In fact, he says the investigation may even begin when the fire is burning. In cases such as this, firefighters are the first eyes to see the fire and its development. However, DeHann (2007) acknowledges that there is a disconnect between the fire department and the police department’s areas of responsibility at a fire. Firefighters tend to think that evidence preservation and interviews are police officer’s work, and police officers think going through debris and other physical evidence of the fire is firefighter’s work (DeHann, 2007). In this manner, valuable evidence may be overlooked when the two branches are not working together (DeHann, 2007).

In South Carolina, there are currently three jurisdictions that have fire department members that are cross trained as law enforcement officers to conduct fire investigations, including the City of Irmo, the City of Columbia, and the City of Spartanburg (B. Duncan, personal communication, June 18, 2012). Therefore, there is not much information available about how current fire investigators in South Carolina are functioning as law enforcement officers.

Nationally, there are many departments that have this setup. In the City of El Paso, Texas, Fire Marshal’s carry firearms as part of their duties as fire investigators (Johns, 1997). Other departments have opted for a joint task force approach. The City of Saint Paul, Minnesota has adopted this method to combat poor communication and lack of cooperation between the police and fire departments (Fuller, 2004). One example is when the previous fire chief and police chief would not release investigative responsibility to the other. Fire investigators became frustrated after they handed off a case because of a less thorough police investigation, and police

investigators became frustrated because their supervisors gave them more important cases and pushed them away for the arson cases (Fuller, 2004).

In another twist of the responsibilities of firefighters cross-trained as law enforcement officers, the Fort Worth, TX Fire Department has an arson/bomb squad comprising of members trained as certified bomb technicians, arson investigators, and peace officers (Tatum, 2009). They are tasked with conducting an investigation of the scene, evidence collection, witness interviews, suspect interviews, and making arrests if necessary (Tatum, 2009). Their members are governed in their firefighter and arson investigator roles by the Texas Commission on Fire Protection, and they are governed by the Texas Law Enforcement Officer Standards and Education over their peace officer certification (Tatum, 2009).

2. What new duties and roles can a fire investigator in South Carolina complete when acting as a law enforcement officer?

In South Carolina, there are three levels of certification a law enforcement officer can obtain, Class I, Class II, and Class III (Patterson, 2009). Class I includes officers with full arrest powers, Class II includes local detention officers and Department of Corrections officer, and Class III special law enforcement, including limited duty officers (Patterson, 2009). An officer must meet the following requirements to attend the South Carolina Criminal Justice Academy: paid employment, commissioned by and authorized law enforcement source, enforcement authority, and custodial arrest powers (Patterson, 2009).

The purpose of the Class III classification is to provide core training and knowledge which can be built upon to perform only limited powers of arrest or special duties (Patterson, 2009). This level is not equivalent to Class I training and Class III officers are not trained to perform the full duties of a Class I officer (B. Duncan, personal communication, June 18, 2012).

Examples of roles a Class III officer may take include: court room security, airport security, litter control, special assignments (sporting events, fairs, etc), and administrative officers (Patterson, 2009). Class III officers may not serve as school resource officers, process servers, county code officers, or as a substitute for any other class of officer (Patterson, 2009).

The Class III officer course is eight days long and is held quarterly at the SC Criminal Justice Academy (B. Duncan, personal communication, June 18, 2012). Registration is required in advance and applicants must go to the academy to have their photo taken and provide a medical history form, firearms qualification form, and emergency vehicle operations affidavit at that time (South Carolina Criminal Justice Academy, 2012). To maintain certification, officers must complete one legal update each year, which varies in length annually (B. Duncan, personal communication, June 18, 2012).

According to Brandy Duncan (personal communication, June 18, 2012), General Counsel for the SC Criminal Justice Academy, fire marshals can become Class III limited duty officers in South Carolina. In this role, they have limited powers of arrest specific to their job role (B. Duncan, personal communication, June 18, 2012). In this case, Ms. Duncan said that fire investigators would be limited to the crime of arson, but would be able to charge a person with any other crime discovered during the arrest (personal communication, June 18, 2012). As an example, she said if drugs were found on a person during the arrest, a Class III officer would be able to charge them with possession (B. Duncan, personal communication, June 18, 2012).

Ms. Duncan (personal communication, June 18, 2012) opined that, as long as all a fire investigator does is investigate fires, the Class III designation is sufficient for pursuing arson crimes. She did not see any benefit to becoming full Class I officers, which is the standard police officer certification level (B. Duncan, personal communication, June 18, 2012).

3. What does the police department expect from fire investigators when investigating a fire and when conducting post-fire investigations?

As this research question is limited to the SPSD Police Division, research was limited to within our organization. Two interviews were conducted, one with criminal investigation division (CID) investigator, Louis Nelson, and one with the CID supervising lieutenant, Bernard Brewton, in order to obtain information on what is expected from them during the Fire Division's investigation.

Essentially, fire investigators are expected to determine if a fire is arson or not. When they get to a point they think it is arson or are unsure, the police should be involved (B. Brewton, personal communication, June 22, 2012). Fire investigators should call for a criminal investigations division investigator in cases where more than one area of origin is found, there is a fire fatality or casualty, there are credible witnesses, large fires, or when other crimes are involved (L. Nelson, personal communication, June 22, 2012). Further, if there is any suspicion of an arson fire, it would be helpful if a CID investigator is called (B. Brewton, personal communication, June 22, 2012). Evidence preservation is very important and it is expected that the integrity of the evidence is maintained. Only trained individuals should collect evidence and special evidence like blood, DNA, a firearm should be collected by a forensic technician (B. Brewton, personal communication, June 22, 2012). Photographs should be taken of all evidence before it is moved and when it is collected. In addition, it is expected that crowd photos are taken to document who was watching the fire (L. Nelson, personal communication, June 22, 2012).

It is okay for fire investigators to conduct field interviews, but it is preferred that a CID member be present for detailed interviews, preferably in an interrogation room at City Hall (L. Nelson, personal communication, June 22, 2012). It is also acceptable for a fire investigator with

law enforcement powers to obtain a search warrant based on probable cause (L. Nelson, personal communication, June 22, 2012). You would need to appear before a magistrate to do this, and another fire investigator or police officer will have to execute the warrant and return it (L. Nelson, personal communication, June 22, 2012).

It is generally okay to proceed with the investigation as much as possible, but it is important to include CID personnel when the fire is determined to be arson or any felony case (B. Brewton, personal communication, June 22, 2012). It is preferable for a patrol officer to actually detain a suspect and take them to City Hall for questioning, then make the formal arrest after a statement has been taken (L. Nelson, personal communication, June 22, 2012). It is important to involve CID because of the relationship and familiarity they have with the process. In cases where fire investigators are unsure about what to do, it will be best to refer it to police personnel (B. Brewton, personal communication, June 22, 2012).

4. What are the factors that influence sustainable and successful implementations of cross trained fire investigators with police powers?

“Fire and arson investigation requires a coordinated, cooperative effort to be successful. In jurisdictions where such cooperation, assistance, and commitment is lacking, the quality and closure of arson cases suffers” (Maryland Fire Rescue Institute, 1997). The *Fire Investigation Unit Management Guide* (Maryland Fire Rescue Institute, 1997) lists four organizational structures for fire investigation units. These factors break down the layout of most fire investigation units in the United States:

1. Fire Department—cross-trained fire investigators who may have arrest powers.
2. Police Department—investigators cross-trained in criminal and fire investigation.
3. Joint Fire/Police—teams including both fire and police investigators.

4. Arson Task/Strike Forces—Units working with representatives from various agencies working to investigate a serious of major or serious fire losses

A report by the United States Fire Administration (USFA) on America's fire investigation units, entitled *Attacking the Violent Crime of Arson*, outlines a similar set of classes: Independent, but coordinated; Integrated fire and police team; and Fire department exclusively (2004). The independent but coordinated class included fire departments that handle origin and cause investigations only (United States Fire Administration, 2004). The police department takes over if the fire is determined to be arson, and the case may be assigned to any detective or police officer (United States Fire Administration, 2004). The integrated fire and police team are typically cross-trained with the power of arrest (United States Fire Administration, 2004). Police and fire investigators work closely together, but report to their own supervisors (United States Fire Administration, 2004). In some units, they report to one single supervisor, which is reported as being the ideal situation (United States Fire Administration, 2004). The final class, fire department exclusively, is where fire investigators cover all phases of the investigation and are certified law enforcement officers with the power of arrest (United States Fire Administration, 2004). There is no police department involvement in this class (United States Fire Administration, 2004).

The report goes on to explain that “since arson is both a fire and a crime, it does not fit neatly into the exclusive domain of either the fire department or police department” (United States Fire Administration, 2004). Fire investigators in today's world must have many skills, ideally with experience as both a firefighter and a law enforcement officer (United States Fire Administration, 2004). Further, knowledge of evidence preservation, arrest, court procedures,

criminal behavior, and psychological profiles is essential (United States Fire Administration, 2004).

This is amplified in an article in Fire Engineering (Interfire.org, 2003) which notes that “because fire investigators must follow due process of law in matters such as collecting evidence, search and seizure, interrogation, and court testimony, police or criminal justice training is extremely helpful.” Further, in the National Fire Protection Association (NFPA) 921, Guide to Fire and Explosive Investigations (2011), many topics are outlined that a fire investigator needs requisite knowledge of prior to conducting a fire investigation. Topics include right of entry, method of entry, criminal search warrants, questioning of suspects, spoliation of evidence, pretrial legal considerations, rules of evidence, and many other topics (NFPA 921, 2011). Finally, in NFPA 1033, Standard for Professional Qualifications for Fire Investigator, many topics are presented that indicate critical things for a fire investigator to know, covering items such as evidence preservation, chain of custody, interviews, ability to establish motive, testifying during court, and many other skills (2009). All these sources lay out many items that are indicated for fire investigators to be aware of and knowledgeable about.

Within the SPSD, a policy manual exists that governs how the department operates. This manual is:

“designed to insure uniformity in the organization and services provided by its members. They are applicable to all members of the SPSD, and it is the sole responsibility of each member to know and understand all policies, procedures, rules and regulations contained herein. An organization’s integrity and ethics rests on the actions of its members. These policies and procedures indicate the highest order of responsibility imposed on the Department’s members for their actions” (Spartanburg Public Safety Department, 2012).

The policy manual is divided into sections, such as Organization and Administration, Law Enforcement Operations, and Operations Support, which are further divided into sub-sections. Each sub-section is a policy, and each policy has a distribution indicated. Distribution A is for law enforcement personnel, distribution B is for fire suppression personnel, and distribution C is for all civilian employees of the department (Spartanburg Public Safety Department, 2012). In review of all the policies, many that would apply to a fire investigator who becomes cross-trained as a law enforcement officer are already applicable to fire suppression personnel. However, a number of policies were identified that have particular importance to this new role, such as Policy 520.1A4 Firearms. This policy outlines which weapons may be carried, when they may be carried, storage of weapons, qualification, and training on the weapon (Spartanburg Public Safety Department, 2012). For a complete listing of policies that were found to be applicable as distribution A to fire investigators, refer to Appendix E “Draft Policy”.

In writing the report, the findings of the literature review have laid out the foundation of the problem and provided great insight into where the concerns are. Local and non-local departments are functioning as law enforcement officers and the precedent is there for this to occur. The lack of great information about local law enforcement certification certainly limits what can be written about it, but the literature supports that it is possible and allowed for proper questioning during research interviews. In general, the lack of clear and available information allowed the ARP to move in a new direction that has not been readily covered in the past literature. More specifically, the lack of agencies within the state of South Carolina functioning in this capacity is very limited which allows for more research potential.

Procedures

For this advanced research project, two primary methods of research were utilized. First, a survey was conducted asking questions about current fire investigation practices in the North and South Carolina area. Then, a series of interviews were conducted with fire investigators in South Carolina, Texas, and Oklahoma who are currently certified law enforcement officers. Finally, interviews were conducted with the Spartanburg Public Safety Department (SPSD) Criminal Investigations Division (CID) to see how the interaction between police and fire would be improved by the new training the fire marshal's office would receive. Secondary research was conducted during the literature review, which was completed using the National Fire Academy's Learning Resource Center, the internet via Google Scholar and Yahoo search engines, and by using the SPSD Fire Division's library.

A survey was devised to see how other fire investigators were conducting fire investigations within their jurisdictions, how they perform case work, if they are sworn law enforcement officers, and if they have a written policy on conducting fire investigations. This ten question survey was sent out via several different agencies: the South Carolina Chapter of the International Association of Arson Investigators, the North Carolina Chapter of the International Association of Arson Investigators, and the South Carolina Fire Marshal's Association. The International Association of Arson Investigators was also contacted to inquire about sending out the survey to its members, but approval was not given. The survey was posted to Zoomerang.com, which is a free online survey host site. An email was sent to each participating association and was forwarded to their entire membership. Inevitably, some people are members of two or even all three associations and received the email up to three times. It was asked that they only complete the survey once. Furthermore, because of the overlap, it is not possible to

determine exactly how many people received the survey. As an estimate only, based upon the roster totals and compensating for some overlap, the survey went to over 200 people between the three associations throughout North and South Carolina. As another limitation to the survey, there was no place to provide additional comment on the survey or free-write any response, which could have led to some being forced to answer a “best answer” instead of the one they would have preferred.

In conducting the interviews, it was determined that local fire investigators (in-state) and several from across the county should be interviewed to provide insight into how things are run from different areas of the country. From within the state of South Carolina, only two other departments currently have sworn law-enforcement officers operating as fire investigators, the City of Columbia and the City of Irmo (B. Duncan, personal communication, June 18, 2012). Thus, these two departments were targeted for interviews. Along with these two cities, the Cities of Conroe, Texas, and Stillwater, Oklahoma also have fire investigators that are trained as law enforcement officers. Interviews were conducted with the fire marshals at both of these departments.

Limitations to these interviews include the narrow list of departments in the state of SC that currently have fire investigators trained as law enforcement officers, which does not allow for a broad representation. Further, only two additional interviews were conducted with representatives from other departments outside of SC, both of which are in the mid-west area of the country. However, contacts and advanced knowledge of both representatives of both departments having cross-trained investigators was critical in finding subjects to interview for the purpose of the ARP.

Results

Survey

The survey was sent out and allowed approximately six weeks for members to complete it. Results were received in the form of 57 completed surveys, with another 21 partial surveys. After reviewing these 21 surveys, it appears some questions were answered by the respondents with the exception of a few on each survey that was not completed. These surveys were considered partial surveys by Zoomerang, but for the purpose of the ARP, they have been included in the results. Thus, the total respondents totaled 78 for most questions, with a few less respondents on several of them.

The first question was basic in nature to determine simply if the department conducted origin and cause investigations. Results are depicted in Figures 1 and 2 below, expressed as total responses and percentage of responses respectively.

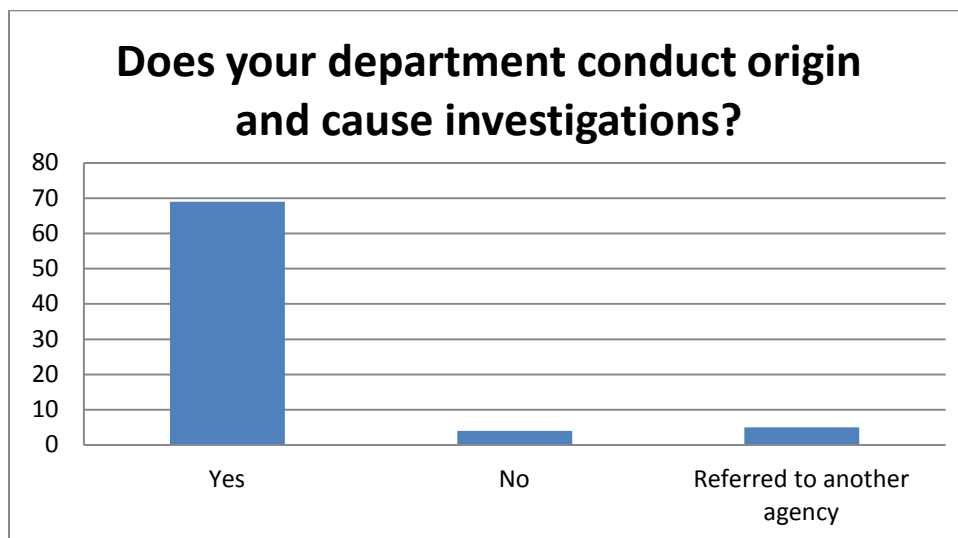


Figure 1

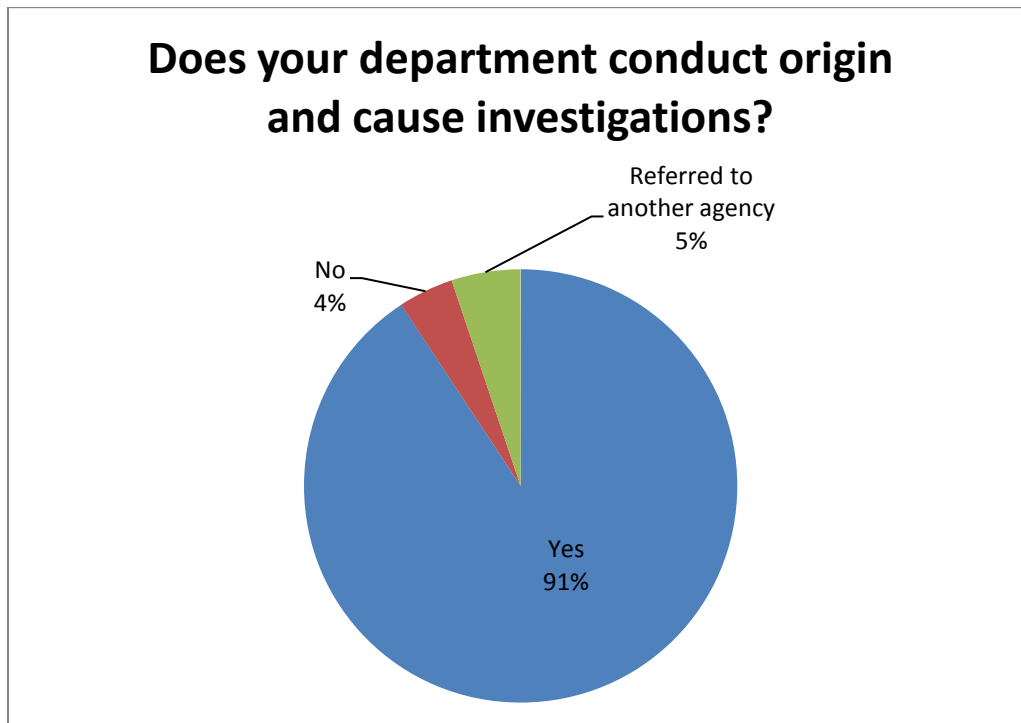


Figure 2

The next question, number two, helped to determine if the department had a dedicated fire marshal or fire investigator. This helps to determine if there is a focus on having someone that does the investigations as part of their job or if investigations are left up to whoever is available, such as an engine company officer. Results show that the majority of the departments do have a fire marshal or fire investigator, with 68 of 78 respondents having one. As show in Figure 3 below, this is about 87 percent of the respondents, which is a vast majority.

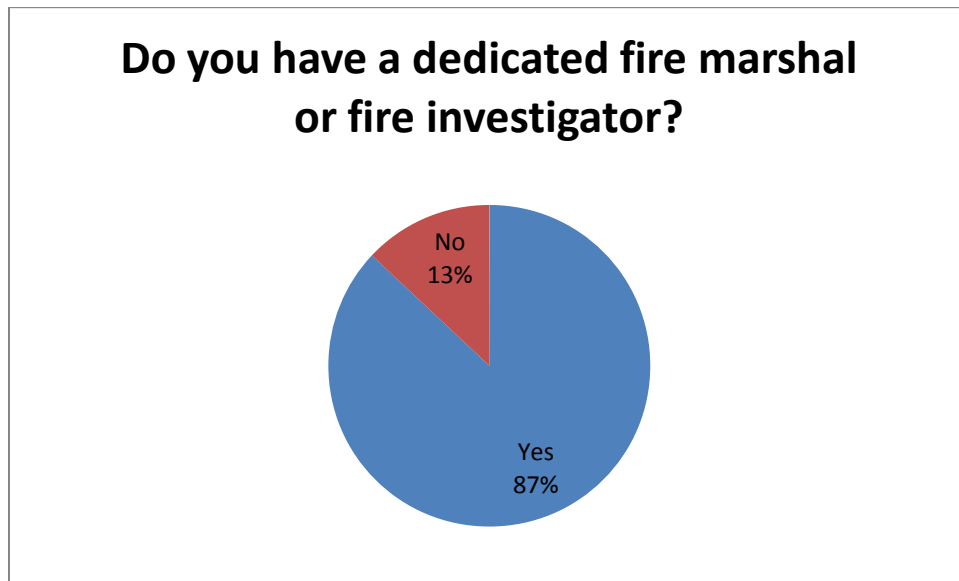


Figure 3

Figure 4 indicates that a vast majority of the respondents have a written fire investigation policy. An overwhelming 72%, or 56 of 78 respondents, have a written policy.

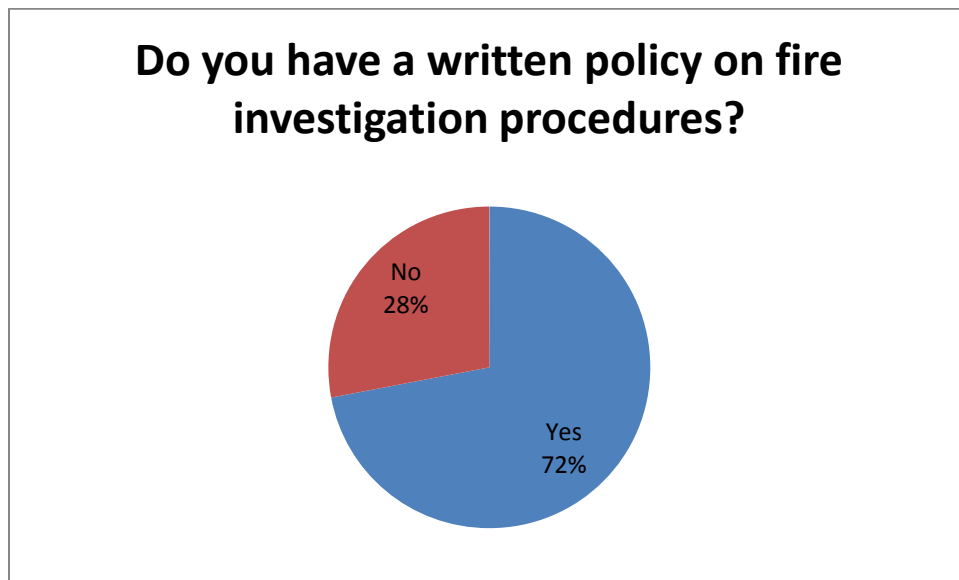


Figure 4

Question 4 allowed respondents to indicate how they handle an intentional (arson) fire, with four possible responses: referred to the police department for follow-up, jointly

investigated with the police department, further investigated by the fire department alone, and further investigated by a task force (joint police and fire). Half of the respondents jointly investigate with the police department, about one-quarter refer to the police department for follow-up, and one quarter investigated as part of a task force. A final one-quarter of the departments investigate arson fires independently. Figure 5 shows the total and types of responses, where Figure 6 shows the percentages of each response.

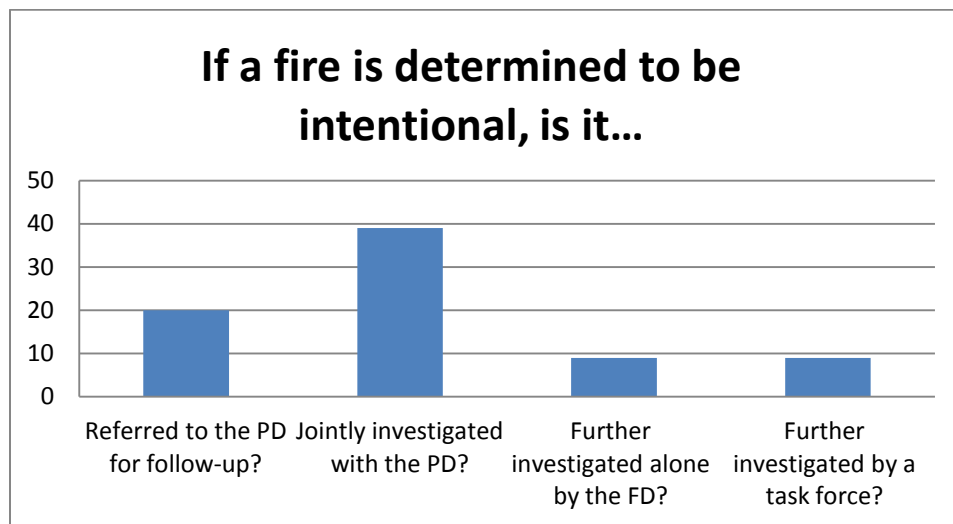


Figure 5

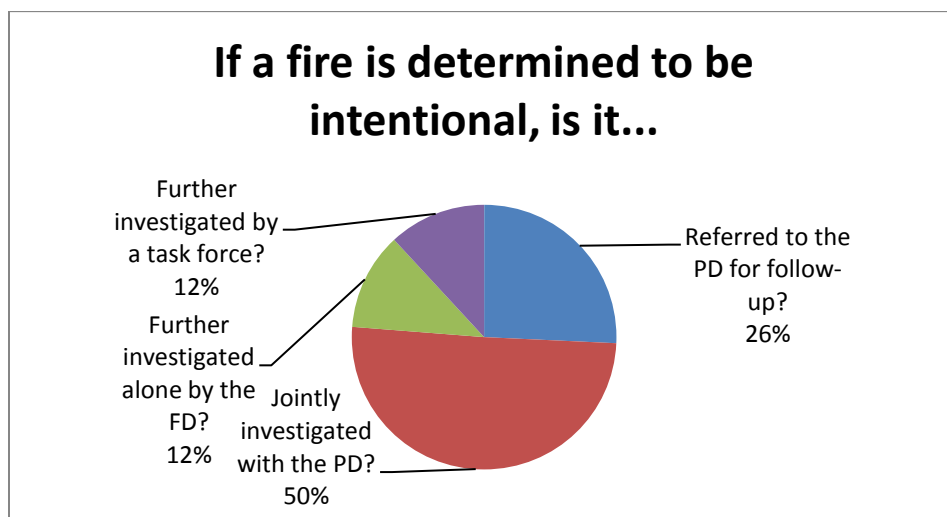


Figure 6

The next question, number 5, was designed to determine if a fire department had input into a case once it was turned over to the police department. Twenty departments reported having no further involvement, where 43 reported continuing to work with law enforcement. A further 12 departments answered the question as “not applicable”, presumably because they do not turn the investigation over to the police department. The results of the answers to this question are shown in Figures 7 and 8 below.

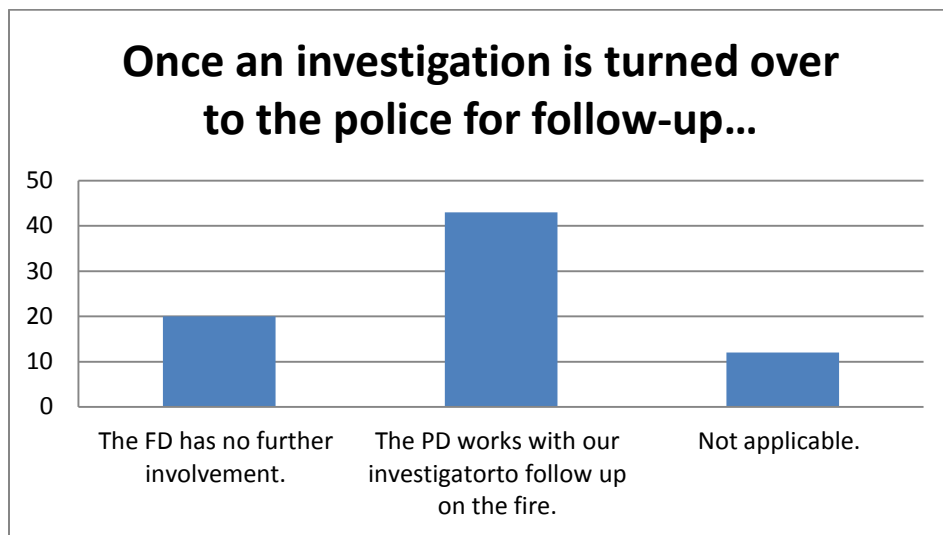


Figure 7

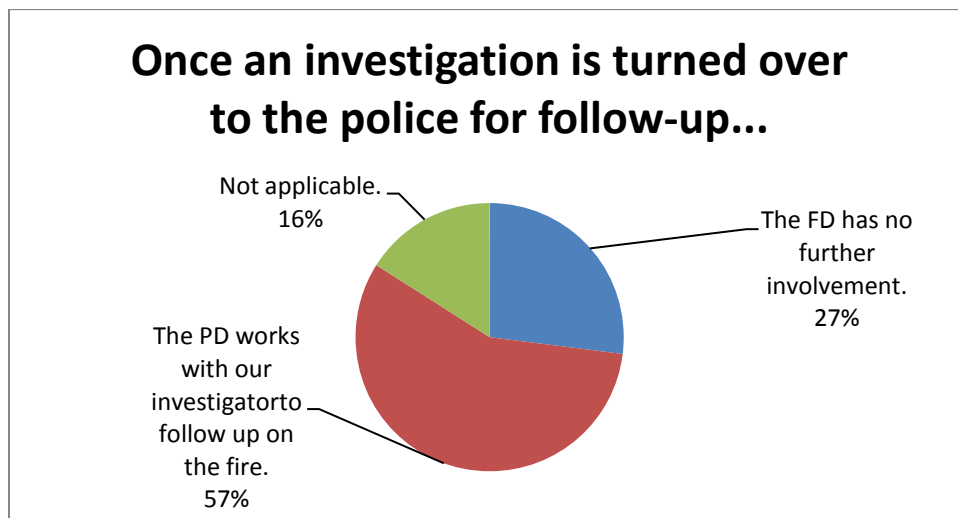


Figure 8

Question six asked if fire investigators were sworn law enforcement/peace officers. Of the 77 respondents, 60 are not law enforcement officers. This is a significant 73% of the departments. Only 15 are law enforcement, and of those 15, two do not have arrest powers. Figures 9 and 10 illustrate these responses.



Figure 9



Figure 10

The next question, number seven on the survey, asked simply if fire investigators carry firearms. Fourteen departments responded yes, nine no, and 32 responded not applicable.

Question eight was an opinionated question for the respondents. The question asked if they felt that having a fire investigator with law enforcement powers is/would be beneficial to your department and jurisdiction by allowing a fire department member to pursue the crime of arson up to an including arrest. This question’s responses were set up on a graduated scale of extremely beneficial, somewhat beneficial, neither beneficial or harmful, somewhat harmful, and extremely harmful. 70% of the respondents felt that this setup would be extremely beneficial, with another 21% reporting they felt it would be somewhat beneficial. This represents a commanding 91% of the 56 respondents feeling that having a law enforcement officer would be at least somewhat helpful in pursuing arson crimes. Figure 11 shows the distribution of responses and Figure 12 shows the percentages of these responses.

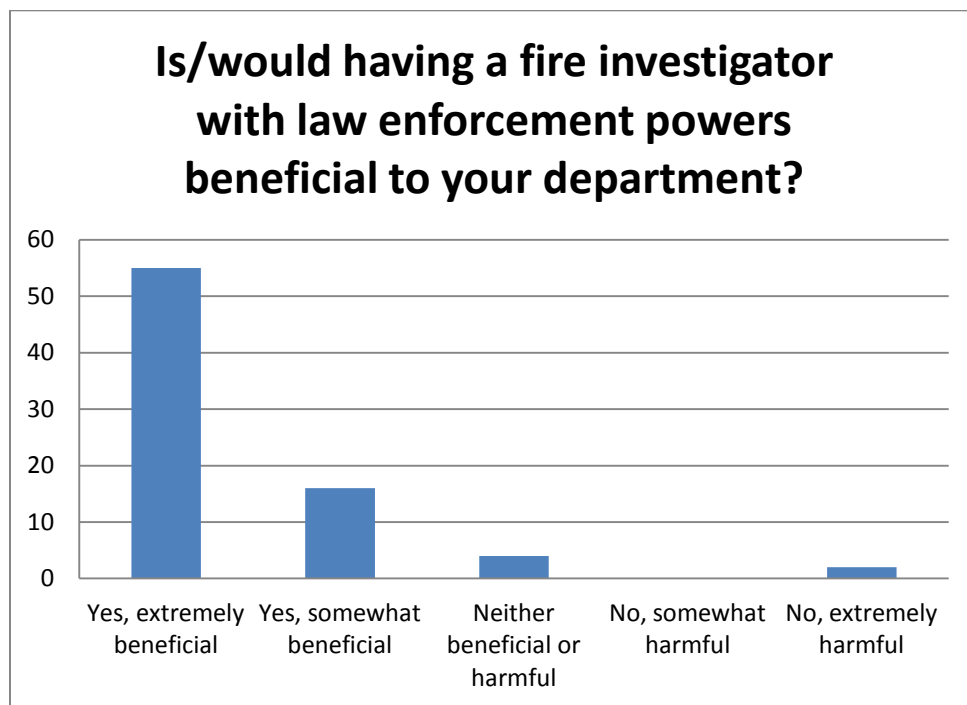


Figure 11

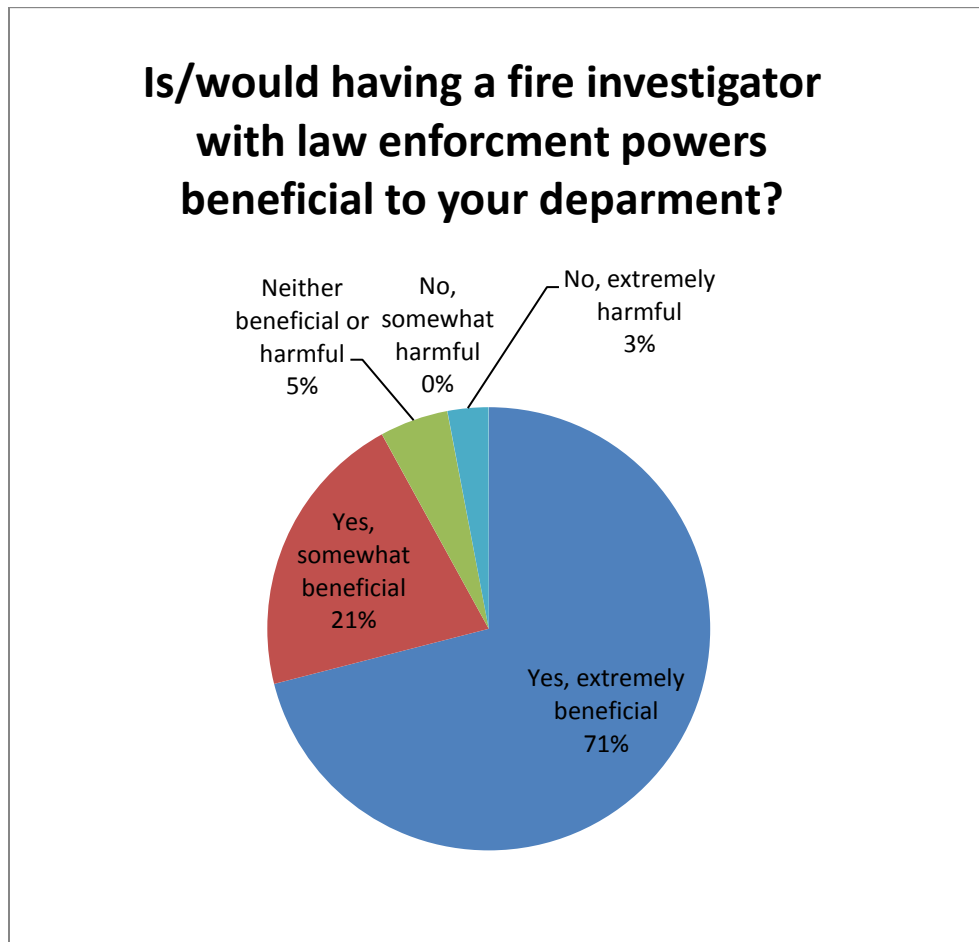


Figure 12

The final two questions on the survey were demographic questions to determine the breadth of the department sizes and types that replied. Question 9 asked about department size and Question 10 asked if the department was all career, mostly career with some volunteer, mostly volunteer with some career, or all volunteer. The responses are shown in Figure 13 and Figure 14 below.

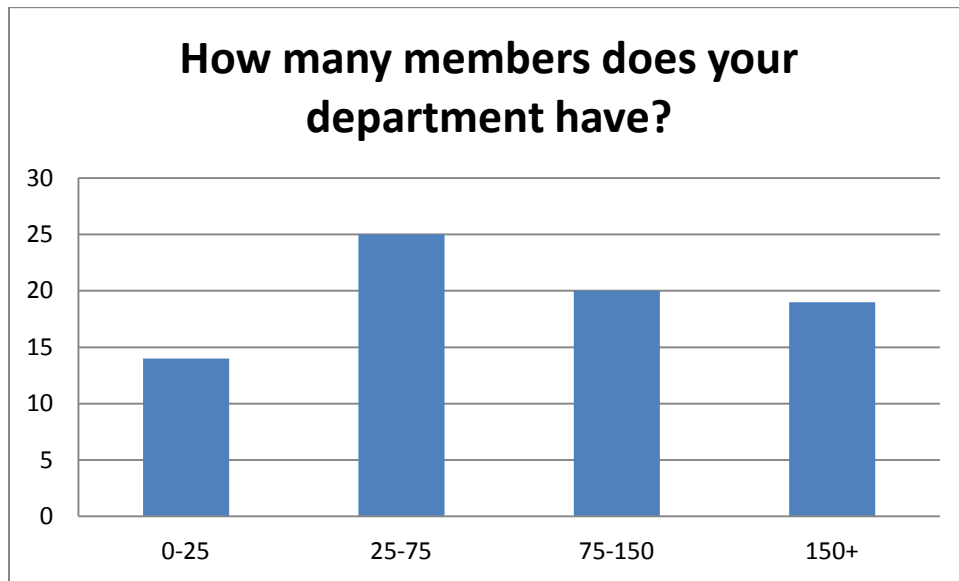


Figure 13

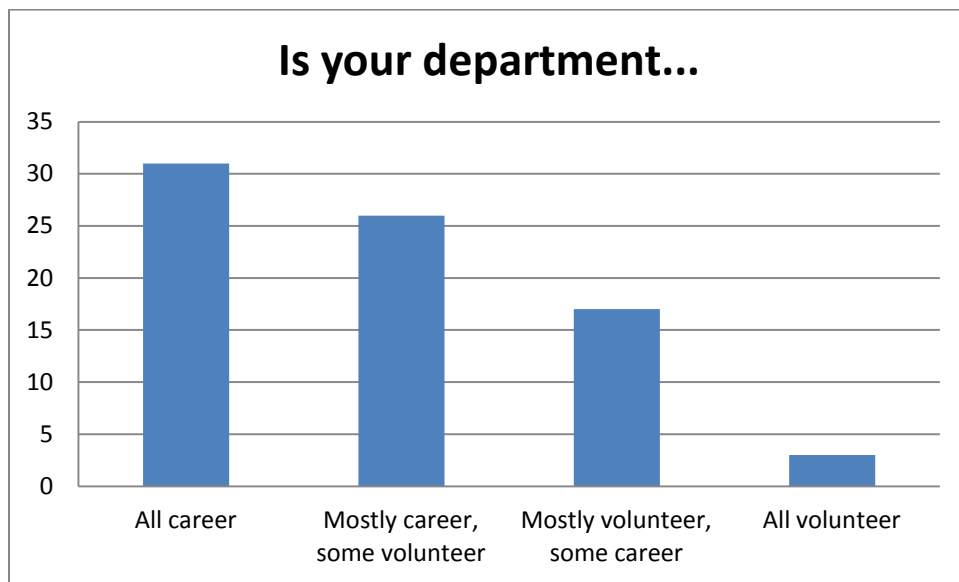


Figure 14

Interviews

Jeff Allen, the fire marshal for the Irmo Fire District near Columbia, SC, is a class three certified law enforcement officer (J. Allen, personal communication, June 20, 2012). He is locally certified by his fire department as well as certified by the South Carolina Criminal Justice

Academy, has been certified for seven years, and wears a firearm every day (J. Allen, personal communication, June 20, 2012). He wears a ballistic vest as needed and raid vest for inspections at bars, nightclubs, etc. In Irmo, usually the fire investigator conducts the entire investigation (J. Allen, personal communication, June 20, 2012). In a complex case, a criminal investigator from the municipal police department may assist, or the county sheriff's office can also assist (J. Allen, personal communication, June 20, 2012). A mutual aid investigation agreement is in place with a neighboring city to provide an arson investigator if it's needed; this investigator has arrest powers in Irmo once he responds (J. Allen, personal communication, June 20, 2012).

In Irmo, the fire investigator follows a case from the initial investigation to turning it over to the solicitor's office for prosecution (J. Allen, personal communication, June 20, 2012). This is not routed through the police department but goes directly to the solicitor (J. Allen, personal communication, June 20, 2012). Fire investigators in Irmo collect their own evidence and store it in their station in an evidence locker and any analysis is sent to the State Law Enforcement Division (SLED) for processing (J. Allen, personal communication, June 20, 2012). Interrogations are conducted in the Fire Marshal's office or in a borrowed room at the police department and any prisoner transport is conducted by the municipal police or by the sheriff's department (J. Allen, personal communication, June 20, 2012).

Fire investigators in Irmo cannot act outside of their official duties at the fire department, but have a duty to act if a police officer needs assistance (J. Allen, personal communication, June 20, 2012). However, occasionally fire investigators will back up police if they are on a traffic stop alone and have multiple subjects, if they are in the area of the traffic stop, but this is limited to a physical and visible presence only (J. Allen, personal communication, June 20, 2012).

Police and sheriff's deputies in the area are overburdened with other major crimes and have no dedicated arson investigators; therefore, they leave the investigations to the fire department (J. Allen, personal communication, June 20, 2012). In Mr. Allen's opinion, being a cross-trained fire investigator and law enforcement officer has been a huge benefit (personal communication, June 20, 2012). He does not have any written policy on conducting fire investigations in this role, but reports he follows everything he was taught in the two week course he attended at the SC Criminal Justice Academy (J. Allen, personal communication, June 20, 2012).

Richard Seel is the fire investigator for the City of Columbia, SC Fire Department. Officers in his department have been certified law enforcement since before 1983 when he started with the agency (R. Seel, personal communication, June 21, 2012). Mr. Seel is a Class I officer, which means he is a fully trained law enforcement officer with full powers of arrest (R. Seel, personal communication, June 21, 2012). However, all the other fire investigators that work for him are certified to a Class III level (R. Seel, personal communication, June 21, 2012). These investigators do not carry a weapon, but he does personally during his duties and ballistic vests are provided by the department (R. Seel, personal communication, June 21, 2012). His department investigates fires from start to finish, with the exception of murder cases involving arson where they work with the police department (R. Seel, personal communication, June 21, 2012). Furthermore, they act as both the lead investigator and the liaison between the fire department and the solicitor and the court (R. Seel, personal communication, June 21, 2012).

Fire investigators for the City of Columbia collect their own evidence and submit it to SLED for analysis (R. Seel, personal communication, June 21, 2012). They maintain their own evidence room where they keep all evidence secure and any interrogations are conducted in the

offices of the Fire Prevention Division (R. Seel, personal communication, June 21, 2012).

However, any arrested subjects are transported by the police department (R. Seel, personal communication, June 21, 2012). Fire investigators are limited to arson crimes, but Mr. Seel has full arrest powers (R. Seel, personal communication, June 21, 2012). He is not encouraged to deal with any other crimes, however, and does not normally deal with anything other than fire related crimes (R. Seel, personal communication, June 21, 2012).

Mr. Seel stated his perceived benefit of being a sworn law enforcement officer is that they do not have to depend on another agency to do his job (R. Seel, personal communication, June 21, 2012). Arson crimes are given a priority and are not put on a back burner to auto breaking and purse snatching (R. Seel, personal communication, June 21, 2012). They are able to do background checks, draw search warrants, etc., which are things that a non-commissioned investigator cannot do (R. Seel, personal communication, June 21, 2012). He feels his training gives him a better understanding of the law and the court system (R. Seel, personal communication, June 21, 2012). Further, proper training allows investigators to better testify in court and present a case with admissible evidence, which is paramount in successfully prosecuting cases (R. Seel, personal communication, June 21, 2012). His department does have a written standard operating procedure on fire investigations (R. Seel, personal communication, June 21, 2012).

Michael Legoudes is the fire marshal for the City of Conroe, Texas. He is a certified peace officer through the State of Texas, along with nine others in his department, including the Chief (M. Legoudes, personal communication, June 22, 2012). Certifications have been held ranging from one to twenty years between the ten officers (M. Legoudes, personal communication, June 22, 2012). Every investigator carries a weapon when engaged in fire

marshal's office duties, including inspections, office time, and investigations (M. Legoudes, personal communication, June 22, 2012). They are issued outer ballistic vests which they wear at their discretion (M. Legoudes, personal communication, June 22, 2012).

Fire investigations are conducted with a minimum of two investigators from on-scene to criminal charges (M. Legoudes, personal communication, June 22, 2012). The police department only gets involved when more than one crime has occurred or if they need a subject transported (M. Legoudes, personal communication, June 22, 2012). They work with their district attorney to file criminal charges and function basically like any police detective would (M. Legoudes, personal communication, June 22, 2012). Investigators collect evidence and store it in their own evidence storage room, but when suspects must be interrogated, but there is no dedicated room for this purpose (M. Legoudes, personal communication, June 22, 2012). Their offices are an "open concept" on the first floor of City Hall, which leads to privacy issues, so when they must have privacy, they use their emergency operations center or a city hall conference room (M. Legoudes, personal communication, June 22, 2012). They have used rooms from outside agencies, but this is difficult due to scheduling issues (M. Legoudes, personal communication, June 22, 2012). Fire investigators focus on arson, but they can assist the police with other situations if they are present (M. Legoudes, personal communication, June 22, 2012). They are also considered security for City Hall, and three of their investigators are on the police department's SWAT team (M. Legoudes, personal communication, June 22, 2012).

According to Mr. Legoudes, being a sworn law enforcement officer has helped in almost every aspect of their job (personal communication, June 22, 2012). Mainly, they can investigate and prosecute arson without outside help so they aren't competing with other's priorities (M. Legoudes, personal communication, June 22, 2012). In conducting inspections, they are able to

write citations for fire code violations, and these carry the same weight as any other written by police (M. Legoudes, personal communication, June 22, 2012). He feels many police departments don't want to investigate arsons because they are very hard to determine prosecute (M. Legoudes, personal communication, June 22, 2012). He feels having the specialized knowledge held by firefighters is essential to adequately investigate fires, and the law enforcement training helps take those investigations through the court system (M. Legoudes, personal communication, June 22, 2012).

Mr. Trent Hawkins is the fire marshal for the City of Stillwater, Oklahoma. Both he and his deputy are state certified law enforcement officers and sworn officers of the Stillwater Police Department (T. Hawkins, personal communications, June 27, 2012). They have to qualify twice a year and obtain 25 hours of continuing education each year to maintain their certification (T. Hawkins, personal communications, June 27, 2012). Fire investigators must obtain their law enforcement certification within one year of promotion into the fire marshal's office and this requirement has been in effect since 1998 (T. Hawkins, personal communications, June 27, 2012). Fire investigators carry weapons during investigations and during night bar checks and are issued ballistic vests (T. Hawkins, personal communications, June 27, 2012).

Fire investigations are conducted by the fire marshal's office alone in most cases (T. Hawkins, personal communications, June 27, 2012). If there is a civilian injury or death, or in cases of arson with strong evidence, an investigator from the police department responds as well (T. Hawkins, personal communications, June 27, 2012). They also work with the local ATF Certified Fire Investigator to pursue arson cases, including getting their help in utilizing a polygraph with an operator that has special arson related training (T. Hawkins, personal communications, June 27, 2012). The fire investigator serves as the lead investigator on all fire

cases (T. Hawkins, personal communications, June 27, 2012). If an arrest is needed, the police department assists and helps doing interviews with suspects, and then sends the arrest warrant the district attorney (T. Hawkins, personal communications, June 27, 2012). Because the fire marshal's office rarely works with the district attorney, having the police involved in this interaction is beneficial (T. Hawkins, personal communications, June 27, 2012).

Fire investigators are collecting evidence at arson fires, which is stored in the police department property room (T. Hawkins, personal communications, June 27, 2012). Evidence is forwarded to a lab and transported by the fire investigators so that the chain of custody is maintained (T. Hawkins, personal communications, June 27, 2012). If an interrogation is needed, they are conducted by the police department (T. Hawkins, personal communications, June 27, 2012). On scene interviews are conducted by fire investigators as needed, but all suspects are transported by a police officer (T. Hawkins, personal communications, June 27, 2012).

Mr. Hawkins feels that being a sworn law enforcement officer lends credibility to his office (personal communication, June 27, 2012). In his opinion, the public recognizes fire investigators as an authority on the fire scene (T. Hawkins, personal communications, June 27, 2012). When a case proceeds to trial, he feels that it lends credibility by the jury to the fire investigator (T. Hawkins, personal communications, June 27, 2012). Further, it allows fire investigators access to resources that may not otherwise be available to non-sworn investigators (T. Hawkins, personal communications, June 27, 2012). Being a sworn officer has allowed the fire marshal's office to build relationships with other agencies and police departments, which has helped lead to successful prosecutions (T. Hawkins, personal communications, June 27, 2012). Other than functioning as a fire investigator pursuing arson crimes, as peace officers for the entire state, they are required to intervene if a crime is committed in their presence (T. Hawkins,

personal communications, June 27, 2012). However, they typically do not function outside of fire investigation roles (T. Hawkins, personal communications, June 27, 2012).

Transcripts of all interviews are attached in Appendix A, and curriculum vitae or resumes for each interviewee are included in Appendix B.

Discussion

The literature review showed a definite lack of material available on transitioning from a strictly fire investigation duty to a cross-trained fire investigator and certified law enforcement officer. In fact, there is little out there within the state to guide the process. A fire marshal does not fit specifically into the definition of a Class III officer, but Ms. Duncan with the SCCJA indicated that this the proper category for a fire marshal to be classified. In looking to find other jurisdictions in the state that are already operating in this manner, only two were found in Irmo and Columbia. They have both had Class III officers for years with no issues, so the basic question about whether a fire marshal can be a Class III officer seems to have withstood the test of time, even though it is not widespread.

When looking to answer the first research question, how are local and non-local fire departments conducting fire investigations with cross trained fire investigators, departments from inside South Carolina and from across the nation were interviewed, along with the survey results from North and South Carolina. Locally, both the Irmo fire investigator and the Columbia fire investigator have been successful in conducting fire investigations and post-fire follow-up, including referral to the solicitor. No problems have been encountered and they have not had to rely on the police department to do much of the work, although there is a need to use them for transport of detainees and the occasional use of an interrogation room.

Nationally, this model of cross-training seems to be much more widespread and accepted. Numerous jurisdictions were found through the literature review and the search process of looking for good subjects to interview. However, only two were interviewed for this paper. From these interviews, it was shown that there is a considerable benefit to being a certified law enforcement officer and both interviewees felt that they were able to be a better job. Thus, it seems that both local and non-local fire investigators have received a huge benefit from this arrangement.

It seems that having a cross-trained fire investigator is a model that has been used around the country and has been successful. As shown in the literature review, several national publications outline this model as one that is used and has been used for years. The literature review and interviews reinforced that this is a viable method of conducting fire investigations and post-fire follow-up.

In answering the second research question, what new duties and roles can a fire investigator in South Carolina complete when acting as a law enforcement officer, both the interviews and survey were helpful. The survey showed many things of interest, including that most fire departments do conduct their own fire investigation, have a dedicated fire investigator, and have a written policy on fire investigations. About half conduct the post-case follow-up in conjunction with the police department, with about one-quarter completely handing it off. This shows that about three quarters of the departments do not conduct their own post-fire investigation and follow-up without police involvement. It seems that the remaining quarter of the departments either do it by themselves or as part of a task force. While this is all supported by the literature as ways to conduct an investigation, handing a fire investigation off completely to a police agency does not seem to be very prudent. The other methods, joint investigation, fire

department only, and a task force, seem to be much better ways of doing things because it allows for people with fire fighting experience to remain involved. Because arson is a crime and a fire, the knowledge of both need to be there for the clues and signs to be interpreted properly. The survey also outlined that most departments, over half, continue to be involved in the case after referral to the police department. This seems ideal in that it opens lines of communication and allows both police and fire to work together on a case.

When it came down to having sworn law enforcement, the survey showed that only a few, less than a quarter, have cross trained investigators. Of these, two departments indicated they have cross-trained investigators but theirs did not have arrest powers. Although this could be an error in the survey response, the reasoning behind having this training with no arrest powers is elusive. Perhaps it is for a knowledge only basis or maybe so the investigators can carry a weapon, but it seems that the training could be put to better use with arrest powers. Over 20% of the departments indicated their investigators carry firearms, so the trend is that there are many departments out there that have weapon carrying fire investigators.

In response to an opinionated question of whether the respondent felt that having a cross-trained law enforcement investigator would benefit a department in better pursuing the crime of arson, an overwhelming 92% said yes. This is compelling that many departments would probably like to have this as an option to their investigators, but may be limited by political, legal, or other issues that prohibit it.

The third research question, what does the police department expect from fire investigators when investigating a fire and when conducting post-fire investigations, it was shown that a working relationship needs to be maintained. Close interaction is necessary to make sure legal issues, such as interrogations, are done properly. Less oversight is needed with cross-

trained investigators, but any questions need to be relayed to a police officer or CID investigator. Any formal interview or interrogations need to be conducted in a controlled environment like the police interrogation room, but base interviews are perfectly acceptable to be performed post-fire in the field. Further, fire investigators are fine to obtain search warrants as long as another investigator executes them. Evidence collection and photographs should continue to be processed and send to the evidence room at the police department.

The final research question, what are the factors that influence sustainable and successful implementation of cross-trained fire investigators with police powers, was answered by the survey, interviews, and literature review. Based on these information sources, critical factors include a clearly defined role of the fire investigator, include a firearm policy in accordance with SPSD policy and tailored for the fire division, any special considerations such as assisting law enforcement officers, evidence preservation, interview process, and a guide to actual fire investigation case management. These factors directly correlate into information that needs to be included in a written policy for the department. It was shown through interviews and the survey that some departments don't have written policies, but it seems to be legally unsound in today's world to operate in an almost free-lance mode.

In looking at the overall problem, and in comparison to the literature review, the survey and interviews all support that cross-trained law enforcement fire investigators are a viable and tried and true option. It is certainly allowed in the state of South Carolina and is found throughout the country as well. It is the author's opinion that the benefit of having cross-trained investigators will be hugely beneficial to the SPSD and will help to further promote successful investigations through better knowledge, training, and cooperation with the police division. The implications for the organization are to move forward with the training of its fire investigators

with law enforcement training, but to also look at training existing CID personnel in fire investigation as well. Fire investigators will need an established guideline to follow. This policy will need to outline everything that a fire investigator is capable of and tasked with and provide clear limitations to coincide with their limited powers of arrest.

Recommendations

The SPSD needs to develop a written standard operating procedure that will outline the legal abilities, departmental expectations, and role of the cross-trained fire investigator.

Overwhelming evidence in the form of interviews with other department's fire investigators, literature review, and a survey all show that the concept of having a fire investigator with law-enforcement training is accepted and beneficial to their department. State law allows for a class III commission, and the department supports it. Thus, the governance in conducting a fire investigation needs to be established.

The policy should include all applicable policies from the SPSD Policy and Procedures Manual, an outline of the role of the fire investigator, what they can and cannot do (such as transport arrestees), outline a firearm policy in accordance with policy and tailored for the fire division, any special considerations, evidence preservation, interview process, and a guide to actual fire investigation case management. Based upon interviews with CID staff, other fire investigators that conduct fire investigations and a review of the SPSD policy manual, all these points are critical in operating as a fire investigator with the SPSD. A lack of this policy could open the department up to legal questions and even liability if a fire investigator operates outside of their role. In situations where an immediate need to act arises, such as to protect a citizen's life, the policy needs to provide leeway with guidance on how to best act. There should be no room for freelancing in any situation as the fire investigator must uphold the responsibly that

comes with carrying a weapon in public and functioning in a law enforcement capacity. A draft SOP has been included in Appendix E based on these recommendations, although the SOP is a work in progress.

In looking to transition from a fire investigation only role to that of a cross-trained law enforcement officer role, departments must look at the legal requirements and implications from doing so. Thorough research must be conducted into state and local law to determine the feasibility. South Carolina offers a special law enforcement class that allows a fire investigator to become certified without attending the full law enforcement curriculum, but this may not be an option in other states. Further, as this new training could overlap with the police department functions in a community, a careful understanding between agencies must be established when undertaking this training. Within the SPSD, there is already an established police division and the blessing of the Public Safety Director was sufficient to move forward with the training, but in communities where the departments are separate, the legalities must be determined as well. Interviews with other departments that may already be functioning in this manner are very helpful in determining how to move forward. Reaching out to organizations like the state or local chapter of the International Association of Arson Investigators can be very helpful in finding these departments.

References

- Allen, J. (2012, June 20). Interview by J. B. Hall [phone interview]. Spartanburg, SC.
- Brewton, B. (2012, June 22). Interview by J. B. Hall [oral interview]. Spartanburg, SC.
- City of Spartanburg. (2012). City of Spartanburg. Retrieved from City of Spartanburg website: www.cityofspartanburg.org
- DeHann, J. D. (2007). *Kirk's Fire Investigation*. (6th ed.). New Jersey: Pearson Education.
- Duncan, B. (2012, June 18, 2012). Interview by J. B. Hall [phone interview]. Spartanburg, SC.
- Fuller, T. K. (1994). *The Arson Team: A Study of Joint Fire and Police Arson Investigation*. Retrieved from the National Emergency Training Center Learning Resource Center website: <http://www.lrc.fema.gov/>
- Hawkins, T. (2012, June 27). Interview by J. B. Hall [phone interview]. Spartanburg, SC.
- Interfire.org. (2003, March). How to Become a Fire Investigator. *Fire Engineering*. Retrieved from <http://www.fireengineering.com/articles/2003/03/how-to-become-a-fire-investigator.html>
- Johns, G. M. (1997). *Arson Investigation in the Police Dept*. Retrieved from the National Emergency Training Center Learning Resource Center website: <http://www.lrc.fema.gov/>
- Legoudes, M. (2012, June 22). Interview by J. B. Hall [phone interview]. Spartanburg, SC.
- Maryland Fire Rescue Institute. (1997). *Fire Investigation Unit Management Guide*. College Park, Maryland: University of Maryland, College Park.
- National Fire Academy. (2012a). *Applied Research Self-Study Course Guide (Q123)*. Emmitsburg, MD: Author.
- National Fire Academy. (2012b). *Executive Development*. (Student Manual, Fourth ed.). Emmitsburg, MD: Author.

- National Fire Protection Association. (2009). *Standard for Professional Qualifications for Fire Investigator*. Quincy, MA: National Fire Protection Association.
- National Fire Protection Association. (2011). *Guide to Fire and Explosion Investigations*. Quincy, MA: National Fire Protection Association.
- Nelson, L. (2012, June 22). Interview by J. B. Hall [oral interview]. Spartanburg, SC.
- Patterson, P. (2009, November 4). [Letter to Agency Heads South Carolina Law Enforcement]. South Carolina Criminal Justice Academy, Columbia, SC.
- Seel, R. (2012, June 21). Interview by J. B. Hall [phone interview]. Spartanburg, SC.
- South Carolina Criminal Justice Academy. (2012). South Carolina Criminal Justice Academy. Retrieved from the South Carolina Criminal Justice Academy website:
<http://www.sccja.sc.gov/>
- Spartanburg Public Safety Department. (2012). *Spartanburg Public Safety Department Policy Manual*. Spartanburg, SC: Spartanburg Public Safety Department.
- Tatum Jr., B. J. (2009). *Developing a Staffing Plan for Fire Investigations Division*. Retrieved from the National Emergency Training Center Learning Resource Center website:
<http://www.lrc.fema.gov/>
- United States Fire Administration. (2004). *Attacking the Violent Crime of Arson*. Retrieved from the National Emergency Training Center Learning Resource Center website:
<http://www.lrc.fema.gov/>
- Wood, R.W. (2002). *Fire Investigation Response Team A Joint Fire and Police Team*. Retrieved from the National Emergency Training Center Learning Resource Center website:
<http://www.lrc.fema.gov/>

Appendix A: Interviews

Jeff Allen, Fire Marshal at Irmo Fire Department

Interview conducted by John B. Hall via telephone on June 20, 2012.

Are your fire investigators certified law enforcement? State or local level certification?

Yes, we are certified by the state and locally.

How long have they been certified?

We are in our seventh year of certification now.

Do they carry firearms? When? Do they have vests?

We wear a firearm every day. Authorized by board to wear a firearm at any time. Ballistic vest level 111A for over the uniform shirt and a level 111 in a raid vest.

Do they conduct an initial fire investigation only, a joint investigation with PD, or do they complete the entire investigation alone?

Depends on the complexity of the case. Most of the time conduct the entire investigation in house, however in town the municipal pd usually sends out a CID person to assist. Sheriff's Department responds if asked but usually SLED is the assisting agency. Also have a mutual investigation agreement with city next door to provide their arson investigator if needed. He has arrest powers in my jurisdiction once he arrives to assist.

What role do you play in "crime to court" transition?

Complete. We provide the case to the solicitor and we take it from there.

Do you work with a solicitor or DA, or is this routed through the PD?

We work directly with the solicitor.

Are you collecting evidence? Are you sending it to the PD for storage and maintaining chain of custody?

We collect evidence and submit it directly to the lab at SLED. Storage is done here in the fire station in evidence lockers.

Do you conduct interrogations? Where are they conducted?

Yes. Either here in my office or I can borrow the video interview room at the PD.

Do you transport post-arrest or call for transfer to PD?

Transport has all been performed by the PD or Sheriff's Department.

Do you function as a law enforcement officer outside of an arson crime role? Do you assist the PD with and other crimes or can you intervene in a situation if you are present?

No official functions outside of fire department duties, however there is always a duty to act if a police officer needs assistance. Stop once in a while if a PD officer is alone on a traffic stop with multiple subjects or if the incident looks fishy. Physical and visible presence only.

What is your perceived benefit of being a sworn LE?

Police and Sheriff's Office do not have any dedicated arson people. They are so overburdened with other major crimes and have no training or experience to speak of. When you talk to most of them, they are happy to leave arson to us.

Has being a sworn LE helped with successful arson prosecutions?

No question. Having the arson training over the years combined with the law enforcement has been a huge benefit.

Do you have a written SOP on functioning as a LE during arson crime investigation? Can you send me a copy?

No, we don't, so I cannot. Basically I follow everything we teach in the two week state arson class at the academy.

Ricky Seel, Fire Investigator with City of Columbia, SC Fire Department

Interview conducted by John B. Hall via telephone on June 21, 2012

Are your fire investigators certified law enforcement? State or local level certification?

Yes they are. They are Class three police officers with the State.

How long have they been certified?

I started back in 1983 and they were commissioned then.

Do they carry firearms? When? Do they have vests?

No they do not, however I as a class one officer am allowed to carry a weapon. The department does not provide a vest.

Do they conduct an initial fire investigation only, a joint investigation with PD, or do they complete the entire investigation alone?

We conduct our own investigations from start to finish. In the event of a murder case involving Arson we include the Police Department.

What role do you play in “crime to court” transition?

We are the lead investigator and act as the liaison between the prosecutor and the court.

Do you work with a solicitor or DA, or is this routed through the PD?

I work with a solicitor who is assigned by them to prosecute arson.

Are you collecting evidence? Are you sending it to the PD for storage and maintaining chain of custody?

I collect my own evidence and process it to SLED Labs for analysis. I have my own evidence room at the Fire Department and I maintain all evidence there.

Do you conduct interrogations? Where are they conducted?

Yes I do, they are conducted in my office at the Fire Prevention Division.

Do you transport post-arrest or call for transfer to PD?

We have no caged vehicles so I have the PD transport prisoners.

Do you function as a law enforcement officer outside of an arson crime role? Do you assist the PD with and other crimes or can you intervene in a situation if you are present?

No I only arrest for arson or any crime stemming from arson. I as a class one officer have full arrest powers; however we do not encourage dealing with matters that are not fire related. My class three officers can only arrest for Arson type incidents.

What is your perceived benefit of being a sworn LE?

We do not have to depend on another agency to do our job. Most police departments see arson as a low priority and a fire department problem. By being sworn we can deal with the crime ourselves and it does not get put on a back burner to auto breaking and purse snatching. We can do background checks on suspects through NCIC, draw search warrants for information ETC. these are things that a non-commissioned person can't have access to.

Has being a sworn LE helped with successful arson prosecutions?

Yes, being law enforcement trained gives the investigator a better understanding of the law and the court system. Being trained in proper ways to testify in court and present a case that passes the prongs of admissible evidence is paramount in the successful prosecution of a case.

Do you have a written SOP on functioning as a LE during arson crime investigation? Can you send me a copy?

Yes we do, I will check with my department to see if they will allow me to release the SOP to you.

Mike Legoudes, Fire Marshal at City of Conroe, Texas

Interview conducted by John B. Hall via telephone on June 22, 2012

Are your fire investigators certified law enforcement? State or local level certification?

Each of our fire investigators are certified State of Texas Peace Officers.

How long have they been certified?

We have 10 certified Peace Officers, including the Fire Chief. Length of certification ranges from 1 year to 20 years.

Do they carry firearms? When? Do they have vests?

Each of our investigators carries firearms when engaged in duties for the Fire Marshal's Office.

This includes while in the office, doing inspections, and while engaged in investigations.

Basically, at all times while on duty. We have outer vests that are worn at our discretion.

Normally, however, we are not wearing vests.

Do they conduct an initial fire investigation only, a joint investigation with PD, or do they complete the entire investigation alone?

A minimum of two investigators works through each investigation. This includes the initial scene investigation, all follow up, and filing of criminal charges, if appropriate. PD is typically only involved when more than one crime has taken place or we are in need of suspect transport.

What role do you play in "crime to court" transition?

We work with the DA's office to file criminal charges. We function the same way any PD detective's division would.

Do you work with a solicitor or DA, or is this routed through the PD?

We work directly with the DA's office.

Are you collecting evidence? Are you sending it to the PD for storage and maintaining chain of custody?

We collect evidence. We have our own evidence storage room.

Do you conduct interrogations? Where are they conducted?

We conduct interrogations, but do not currently have a room set aside for the purpose. This is an area of great difficulty for us as our offices are an “open concept” on the first floor of City Hall, leaving us little to no privacy. We utilize our EOC and City conference rooms for this purpose, most of the time. We have also utilized the interrogation rooms at PD and the Montgomery County FMO. Utilizing rooms belonging to others is problematic because of scheduling issues.

Do you transport post-arrest or call for transfer to PD?

PD does our transports.

Do you function as a law enforcement officer outside of an arson crime role? Do you assist the PD with and other crimes or can you intervene in a situation if you are present?

Our main focus is arson. We will assist PD or intervene in other situations, if we are present.

We are considered security for City Hall as well. We currently have 3 investigators who are on PD's SWAT team.

What is your perceived benefit of being a sworn LE?

Being sworn LE has benefits in almost every aspect of our job. We are able to investigate and prosecute arson without outside help. This means that we don't have to compete with other's priorities. On the inspection end, we are able to write citations for uncorrected fire code violations. Because we are Peace Officers, our citations carry the same weight as any other written by the Police. For example, if someone doesn't show up for their court date a failure to appear warrant is issued for their arrest. Further, I believe that being certified Peace Officers helps to make us better inspectors, as inspections are basically a law enforcement function.

Has being a sworn LE helped with successful arson prosecutions?

Being sworn LE is essential to successful arson prosecutions. Most police departments don't want to investigate arson because it is such a difficult crime to investigate and prosecute. As

firefighters, we have the specialized knowledge required to adequately investigate fires. The LE certification helps us to take those investigations through the court system, when appropriate.

Do you have a written SOP on functioning as a LE during arson crime investigation? Can you send me a copy?

We have written SOPs. I will forward them to you.

Trent Hawkins, Fire Marshal at Stillwater, OK Fire Department

Interviewed by John B. Hall via telephone on June 27, 2012.

Are your fire investigators certified law enforcement? State or local level certification?

The fire marshal and deputy fire marshal are both state certified law enforcement officers and sworn officers of the Stillwater Police Department. As sworn officers we are required to qualify twice a year and to obtain 25 hours of continuing education per year to maintain certification.

How long have they been certified?

Once promoted to the fire marshal's office by contract law enforcement certification is to be obtained within one year of promotion. This requirement has been in the contract since 1998.

Do they carry firearms? When? Do they have vests?

Firearms are issued to the fire marshal and deputy fire marshal as well as vests once certification is obtained. Firearms are worn during fire investigations and during periodical bar checks that are conducted at night.

Do they conduct an initial fire investigation only, a joint investigation with PD, or do they complete the entire investigation alone?

Most fire investigations are conducted by the fire marshal's office only. If a civilian injury or fatality occurs or if there is a strong indication of an actual arson fire the police department has an investigator that assists the fire marshal's office. It is important to note that our office has a strong working relationship with the state ATF/CFI agent and has utilized that relationship on a number of occasions to our benefit. This relationship has allowed us access to polygraph personnel that are trained specifically for arson related cases and has also allowed for access to the ATF crime lab if needed.

What role do you play in "crime to court" transition?

The fire marshal's office serves as lead investigator on all fires. If a fire investigation leads to an arrest the police department assists with the investigation and corresponding interviews with suspects and then writes the arrest warrant to forward to the DA's office. We have found this to be beneficial since the fire marshal's office does not deal with the DA's office on a routine basis. If a case is taken to court the fire marshal's office participates in the preparation with the DA's office based on our report of the case.

Do you work with a solicitor or DA, or is this routed through the PD?

Any cases that are prosecuted are routed through PD.

Are you collecting evidence? Are you sending it to the PD for storage and maintaining chain of custody?

We do collect evidence on fires that are determined to be arson. That evidence is stored in the secure PD property with a chain of custody documented. Evidence when forwarded to a crime lab is transported by the fire marshals and chain of custody is documented. Any evidence observed at an accidental fire is photographed at the scene and left at the scene for any additional investigations that may be conducted by a private investigator representing the owner or insurance carrier.

Do you conduct interrogations? Where are they conducted?

Our office as part of the investigation does conduct interviews with witnesses and possible suspects. Initial interviews are conducted at the scene and any follow up interviews deemed necessary are typically conducted at PD since they are set up to record the interview session.

Do you transport post-arrest or call for transfer to PD?

Our office does not provide transport. Transport is accomplished by a uniformed police officer.

Do you function as a law enforcement officer outside of an arson crime role? Do you assist the PD with and other crimes or can you intervene in a situation if you are present?

Our office does not function as law enforcement outside of a fire investigation, however we are certified peace officers for the entire state and would therefore be duty bound to intervene if witness to a crime being committed.

What is your perceived benefit of being a sworn LE?

The benefit to being a sworn officer is the credibility given to our office. The public at least recognizes your authority at a fire scene. It further gives our office credibility in the event a case proceeds to jury trial. It provides direct access to the resources available to all law enforcement officers that is not always readily accessible to non sworn investigators.

Has being a sworn LE helped with successful arson prosecutions?

I believe being a sworn officer leads to relationships with other law enforcement entities and creates the bridges necessary for a successful prosecution.

Do you have a written SOP on functioning as a LE during arson crime investigation? Can you send me a copy?

Yes, I will send it to you.

Lt. Bernard Brewton, City of Spartanburg Department of Public Safety Criminal Investigations
Division

Interview conducted by John B. Hall on June 22, 2012 at Spartanburg City Hall

When conducting a fire investigation, at what point do we need to consider calling a police officer or even CID?

When on scene personnel have evidence or an expectation that the fire is suspicious.

Are there any special considerations for collecting evidence? Concerns for collecting non-fire evidence such as blood, weapons, etc.?

Integrity of the evidence should be maintained. Evidence should be collected by a trained individual, at least basic trained. Blood evidence should be collected in a manner where it is properly preserved. Weapons should be collected without altering its state, such as loaded guns

should not be unloaded. Safety of the evidence collection should never be compromised. Photos should be taken before any evidence is moved. Use hair nets, gloves, and shoe coverings to protect the scene.

Do we need to take any special photographs (non-standard fire scene photos) during an arson?

Detailed photograph with a scale reference should be taken in addition to standard fire scene photos, with a point of reference.

How do we need to go about obtaining a warrant? Do we need a police officer present to execute or can two of us execute it?

An officer with a class one certification should be present. This will eliminate any issues regarding the class II and III limitations.

Are “field interviews” sufficient during our initial post-fire phase of investigation, or should we try to obtain written statements during this time (immediately post-fire)?

You want to attempt to collect statements at that time. However, for the individuals who do not want to give a statement or cannot give a statement at the time, a detailed field interview should be done for follow-up with those individuals.

Should post-scene interviews be conducted with an officer or CID present, or are we okay to do it ourselves if properly documenting them?

Depending on the situation and circumstances. If it has been determined that a criminal act is involved, it is best to get CID personnel involved.

How do we obtain an arrest warrant? How should this be executed?

An arrest warrant is issued for “probable cause”. A police incident report along with a statement and evidence supporting probable cause should be presented to the judge. Upon obtaining the warrant, an initial attempt of service should be made.

How can we improve operations between fire and police in arson cases?

Prompt notification and communication. Everyone should be on the same page and know the status and direction of the investigation.

Where do we need to draw the line with our investigation? Should we make an arrest on our own if we need to or would the preference be to involve CID or a police officer?

All felony cases should involve CID personnel. If you are comfortable with misdemeanor charges, you can pursue charges. If you are not sure about something, refer to police personnel.

In situations such as “zero-zero”, immediate proximity to a crime, or witnessing a crime, where should we limit our involvement or become involved?

In those cases where exigent circumstances are present, life threatening, you should assist until the situation is under control by police personnel. You should then remain on the scene to provide any information that you witnessed or acted on.

What things do you see as important in implementing our training and effectiveness as law enforcement?

Additional training regarding interviewing. Maybe a basic detective course. Continue to communicate with law enforcement. Solicit assistance on any matter of question.

Investigator Louis Nelson, City of Spartanburg Department of Public Safety Criminal Investigations Division

Interview conducted by John B. Hall on June 22, 2012 at Spartanburg City Hall

When conducting a fire investigation, at what point do we need to consider calling a police officer or even CID?

When there is a fatality, more than one area of origin, witnesses, and such. If it is suspicious in nature or other crimes involved too.

Are there any special considerations for collecting evidence? Concerns for collecting non-fire evidence such as blood, weapons, etc.?

Forensics will usually collect this type of evidence. No issues with fire investigator taking this sort of thing, but blood and DNA needs to be done by forensics. Typically he calls forensics on serious stuff, but handles small stuff himself.

Do we need to take any special photographs (non-standard fire scene photos) during an arson?

Crowd photos and have marked units on scene to record the crowd on video.

How do we need to go about obtaining a warrant? Do we need a police officer present to execute or can two of us execute it?

Something suspicious in nature, or if a search is needed, we should post someone to secure it. No one goes in enters after this point. Uniformed officers are good for this. Obtain the search warrant at the county. Another officer has to execute and return it. No issues with a class III officer doing both parts as long as two are there, one doing each part.

Are “field interviews” sufficient during our initial post-fire phase of investigation, or should we try to obtain written statements during this time (immediately post-fire)?

Seems okay to do it. Can do it on scene but better after it calms down some.

Should post-scene interviews be conducted with an officer or CID present, or are we okay to do it ourselves if properly documenting them?

Go ahead and do them where we can, we can always go back and get written ones.

How do we obtain an arrest warrant? How should this be executed?

Develop suspect on probable cause. Elements of the crime you look for and try to prove they knowingly and intentionally committed the crime. Appear before a judge, either magistrate or city judge, and swear an oath, they will issue the warrant. General sessions issues should go before the magistrate

How can we improve operations between fire and police in arson cases?

Serious calls, we already call CID for now. Sustain what we are doing. Call on serious, maybe not on small ones. Continue to work together.

Where do we need to draw the line with our investigation? Should we make an arrest on our own if we need to or would the preference be to involve CID or a police officer?

Call patrol unit, have them detain a suspect to city hall interview room, called investigative detention. Get a statement before they are formally arrested. Exigent circumstances changes that, you may go ahead and arrest.

In situations such as “zero-zero”, immediate proximity to a crime, or witnessing a crime, where should we limit our involvement or become involved?

Citizen in danger, act without getting yourself or anyone else in danger. If they get hemmed up, they will usually react worse. If you can observe, follow them.

In an active shooter situation, react as you are safe in doing. Try not to corner a suspect.

If you are in the immediate area, go ahead at your own risk.

Appendix B: Interview Subject's Resume/CV**BIO
Jeff Allen****Fire Marshal**

Irmo Fire District

6017 St. Andrews Rd.

Columbia, SC 29212

marshalone@irmofire.org (803) 798-4979

With 40 years of instructing and public speaking in both the corporate world as well as to public safety agencies, Jeff has taught throughout South Carolina and in various states in the US. Jeff is an adjunct instructor with the South Carolina State Fire Academy holding National Instructor Certification through Oklahoma State University. Jeff is a Lifetime Member and Past President of the South Carolina chapter of the International Association of Arson Investigators and a member of the International Association of Arson Investigators, the North Carolina Chapter of the International Association of Arson Investigators, the Georgia Chapter of the International Association of Arson Investigators, the Carolina Fire Investigators Association, the International Fire Marshals Association, the South Carolina Insurance Fraud Investigators Association, the North Carolina Insurance Crime Information Exchange Association, the South Carolina chapter of the International Association for Identification, the South Carolina Law Enforcement Officers Association and the Lexington County Law Enforcement Officers Association. Jeff has presented arson investigation training to many diverse groups throughout South Carolina and the US and was a panel member at the American Society of Law Enforcement Trainers (ASLET) annual Conference, held in Richmond, Virginia, in the year 2000 discussing multi jurisdiction response to major incidents.

Current teaching assignments include many National Fire Academy regional classes in the management and leadership fields, emergency vehicle response, fire inspection, code enforcement and investigation courses including the two week South Carolina Fire-Arson Investigation class, arson investigation in the Basic Detective training at the SC Criminal Justice Academy as well as the 40 hr. National Certification Instructor 1 class.

Jeff is a contributing editor to the 2nd edition of Anderson Publishing's 'Crime Scene Investigation' used by various colleges and universities as a student text.

Jeff is a Principal Member with the NFPA 1091 Committee that has been charged with creating a national standard for Traffic Control Incident Management Professional Qualifications.

Jeff is a certified police officer with the Irmo Fire District and has been the lead investigator on hundreds of fire scenes over the past eighteen years within his 40 square mile jurisdiction. Jeff's wife of 36 years Debbie, is a Sergeant/Paramedic with Richland County Emergency Services and they have two daughters who have finished college and joined the working world.

RICHARD DOUGLAS SEEL III

1800 Laurel Street · Columbia, South Carolina 29201 · 803-545-3718

OBJECTIVE

THE FOLLOWING IS A LIST OF THE JOB EXPERIENCE AND TRAINING THAT I HAVE ACQUIRED OVER THE PAST THIRTY EIGHT YEARS. THIS CURRICULUM VITAE SHOULD SERVE AS A GUIDE FOR COURT AND TO VERIFY MY EXPERTISE IN THE FIELD OF FIRE / ARSON INVESTIGATION.

In November 1971 I first entered the fire service from high school where I went to work for the Columbia Fire Department as a firefighter. In 1973 I was promoted to the rank of Driver/ engineer. My job duties included firefighting, driving and operating fire apparatus of all types. During this period I received extensive training in firefighting and fire pump operations. I also gained valuable job experience in all types of fire ground situations. In 1976 I resigned my position with the City of Columbia and took a position with the Federal Government as a firefighter at the Fort Jackson Fire Department. During my employment there my duties were firefighting, fire inspections of Post facilities, inspection and maintenance of both fire alarm and sprinkler systems on the Post. During this employment I did receive training in Federal Fire Codes (N.F.P.A. Standards) and the nomenclature of fire alarm and sprinkler systems. I was also allowed to take the fire/ arson course as taught by the U.S. Air Force Academy. This was a very extensive course of study into cause and origin investigation of fires. In November of 1978 I resigned my position with the Federal Government and entered Law Enforcement as a

Police Officer with the City of Columbia Police Department. As a Patrol Officer I attended the South Carolina Criminal Justice Academy where I was certified as a Law Enforcement Officer in the State Of South Carolina. In 1981 I was transferred into the Vice Unit where I worked as a under cover Officer for one year. In 1982 I was transferred into the Narcotics unit as a Drug Agent for two years. In 1980 while still in Patrol I attended the South Carolina Criminal Justice Academy where I took both Basic and Advanced Fire / Arson Investigation and was certified by the State to conduct fire arson investigations. At this time the Columbia Police Department did place me on the Department's Arson Task Force. I then began to conduct criminal investigations in arson cases. In 1985 I was promoted to the rank of criminal investigator and worked out of the Major Crimes Unit, the Burglary Unit, and the Regional Crimes Unit. During this period the Department in addition to the various other types of crimes I had to investigate, assigned all arson related case to myself. During this period I have investigated well over two thousand fires and have made many arson related arrest. I have testified in both State and Federal Court systems as an expert witness. In 1998 I transferred to the Columbia Fire Department for a promotion to the rank of Captain of Fire Arson Investigation. My duties have remained the same with myself conducting Fire / Arson Investigations for the City of Columbia

EXPERIENCE

CURRENT: CAPTAIN , COLUMBIA FIRE DEPARTMENT

Fire / Arson Investigator

Duties: To determine fire cause and origin on all major and suspicious fires. To act as a liaison between the Fire Service and Law Enforcement as related to the crime of arson. To conduct criminal investigations as related to the crime of arson and to secure the arrest and apprehension of arson suspects. To work with the Solicitor of the Circuit to prepare and prosecute cases of arson and any crimes which stem from this act. To conduct investigations into any fires which results in severe injury or death.

NOV. 1978 TO JUNE 1998: POLICE OFFICER, COLUMBIA POLICE DEPARTMENT

Criminal / Fire Arson Investigator

Duties: To conduct criminal investigations into violations of State, Federal, and City Laws. To develop and apprehend violators of the law and to prepare cases and assist the Solicitor in the prosecution of these violators. To assist the Fire Department in determining the cause and origin of suspicious and arson related fires. To conduct follow-up investigations into these fires and to develop and apprehend the fire setter. To prepare arson related cases for court and to assist the Solicitor in the prosecution of these cases. To act as a liaison between Law Enforcement and the Fire Service.

EDUCATION

COLLEGE: MIDLANDS TECHNICAL COLLEGE, COLUMBIA, SOUTH CAROLINA

Associate Degree, Fire Science, Nov.19, 1976

Michael Thomas Legoudes, Jr.

18627 Twigsworth Ln

Humble, TX 77346

Telephone: (281) 330-8339

E-mail: mlegoudes@me.com

<i>Education</i>	<i>Sam Houston State University</i>	May 1998
	Bachelor of Science in Criminal Justice	
Certifications	Texas Commission on Fire Protection and IFSAC Driver/Operator – Pumper	March 2011
	Texas Commission on Fire Protection and IFSAC Fire Service Instructor (Level II)	October 2009
	Texas Commission on Fire Protection Field Examiner	April 2009
	Texas Commission on Fire Protection and IFSAC Arson Investigator (Advanced)	March 2009
	TCLEOSE Licensed Peace Officer (Intermediate)	February 2009
	Texas Commission on Fire Protection and IFSAC Fire Investigator (Advanced)	January 2008
	Texas Commission on Fire Protection and IFSAC Inspector	September 2007
	IFSAC Plan Examiner	September 2007

Texas Commission on Fire Protection and IFSAC Firefighter (Advanced) August 2001

Texas Department of State Health Services Licensed Paramedic December
2000

Experience **City of Conroe Fire Department** Conroe, TX

7/01 – Present *Battalion Chief / Fire Marshal (6/10 – Present)*

- Supervise 4 Lieutenant Deputy Fire Marshals and 6 part-time Deputy Fire Marshals
- Design and administer fire inspection programs for new and existing construction, fire and arson investigation, public fire and life safety education, and environmental law enforcement
- Collaborate with senior administrative staff, the Mayor, members of City Council, and the general public regarding issues involving fire and life safety of employees, citizens, and visitors to the City of Conroe
- Analyze site, architectural, and fire protection system plans and work with design professionals to insure new construction planning is compliant with building and fire codes
- Maintain records pertaining to all fires occurring within the City of Conroe

Lieutenant / Deputy Fire Marshal (5/07 – 6/10)

- Led change from paper fire inspection and investigation record system to electronic system by designing and implementing individual components, testing of said components, and training of Fire Marshal and other Deputy Fire Marshals in use of the system
- Performed new construction plan review, fire and life safety inspections of new and existing structures, and designed and delivered fire and life safety educational programs
- Created several guidelines pertaining to new construction requirements within the City of Conroe for distribution to construction professionals at pre-development meetings and via the internet

Firefighter / Paramedic (7/01 – 5/07)

- Created a comprehensive departmental database to assist with tracking of uniform and protective gear issues, training, repair and maintenance of equipment and apparatus, and Self Contained Breathing Apparatus (SCBA) maintenance and inspections
- Responded to and mitigated emergency incidents involving fire, medical and traumatic emergencies, rescue, and hazardous materials

2/97 – 3/08

Montgomery County Hospital District Emergency Medical Services

Conroe, TX

Field Paramedic (1/01 – 3/08)

- Provided pre-hospital care for patients experiencing medical, traumatic, and psychological emergencies
- Provided emergency and non-emergency inter-facility patient care and transport
- Completed incident reports for each incident responded to
- Achieved certifications in Advanced Cardiac Life Support, Pediatric Advanced Life Support, and Basic Trauma Life Support (Advanced)

Communications Officer / Emergency Medical Technician (2/97 – 1/01)

- Received and processed emergency and non-emergency calls for fire and EMS service
- Provided pre-arrival instruction for 911 callers (CPR, airway maintenance, hemorrhage control, etc.)
- Dispatched calls for service and facilitated radio traffic between responding units and the communications center
- Provided mentoring and training for new employees
- Achieved EMT-Intermediate and Licensed Paramedic Certifications

1/95 – 2/97

Kingwood Emergency Services

Kingwood, TX

Emergency Medical / Fire Dispatcher

- Received and processed emergency calls for fire and EMS service
- Provided pre-arrival instruction for 911 callers (CPR, airway maintenance, hemorrhage control, etc.)
- Dispatched calls for service and facilitated radio traffic between responding units and the communications center
- Completed dispatch incident reports for each incident
- Achieved EMT-Basic certification

Activities*Sam Houston State University – **Kingwood Volunteer Fire******Department (Volunteer Firefighter), Kingwood Area Emergency******Medical Services Association (Volunteer EMT)***

T. Trent Hawkins

1804 E. Sunrise

Stillwater, OK 74075

(405) 624-9742

Occupational Objective:

To assure a fire safe community by supporting adoption and enforcement of modern fire codes, educating the community on methods and ways to prevent death, injuries, and property loss due to fire, and bringing to justice those who willfully and maliciously set fire to their own property and the property of others.

Education and Training:

Oklahoma State University, Fire Service Training

Basic Fire Academy – May 1982	Instructor Level I – September 1986
Firefighter I – April 1983	Instructor Level II – March 1987
Inspections Certification – May 1986	Haz Mat Ops – September 1999

FEMA

Incident Command School – March 1989	Fire/Arson Investigation - August 2003
Fire Cause Determination for Company	ICS 100, 200,700, 701.a. 702.a, 703.a,
Officers – August 2002	800.B

U.S. Department of Homeland Security

WMD Incident Command – September 2006

State of Oklahoma

Council on Law Enforcement Education and Training – Reserve Officer – February 2003

Oklahoma Emergency Management – PIO and JIS/PIO – March 2012

Fire and EMS Experience:

2002 – present	Stillwater Fire Department, Fire Marshal
2001 – 2002	Stillwater Fire Department, Deputy Fire Marshal
1999 – 2001	Stillwater Fire Department, Lieutenant
1993 – present	EMT/D
1985 – 1999	Stillwater Fire Department, Firefighter II, Driver
1982 – 1985	Stillwater Fire Department, Firefighter I
1979 – 1993	EMT/B

Professional Organizations:

NFPA – member Since 2003

Fire Marshal's Association of Oklahoma – member since 2003

OKIAAI – member since 2002, board member 2005- present, Chapter President 2010

Oklahoma Uniform Building Code Commission – Electrical Technical Review Committee Member 2010-2011

Work Experience :

2002-present **Fire Marshal:** City of Stillwater, duties include managing department inspection program, public education, and origin and cause investigations for fires occurring within the department's

jurisdiction. Supervision of Deputy Fire Marshal and fire protection students utilized as interns within the fire marshal's office.

2001-2002 **Deputy Fire Marshal:** City of Stillwater, duties included field inspections for commercial occupancies contained in current building inventory and assisted fire marshal with origin and cause investigations of fires occurring within our jurisdiction. Responsible for public education activities during fire prevention week.

1982-2001 **Firefighter/EMT:** City of Stillwater, duties included fire suppression, public education, building fire inspections, and emergency medical services.

J. Bernard Brewton

163 Coldstream Drive
Boiling Springs, SC 29316
(864) 578-7062
brewtonb@bellsouth.net

Objective

To obtain a responsible and challenging position, in which my intellectual and analytical knowledge of Supervision & Management will be utilized to the fullest.

Professional

Work Experience

August 2011 – Present Spartanburg Public Safety Department Spartanburg, SC

Criminal Investigation Division – Lieutenant

- Oversee the day-to-day operations of the Criminal Investigations Unit.
- Media relations.

July 2007 – August 2011 Spartanburg Public Safety Department Spartanburg, SC

Office of Professional Standards and Inspections - Lieutenant

- Responsible for administering the internal investigation functions of the Department.
- Responsible for the recording, registering, and controlling the investigation of all complaints against members; supervise and control the investigation of alleged or suspected misconduct by members; and maintain the confidentiality of the investigations and records by storing them in a secured manner as law permits.
- Responsible for conducting line and staff inspections of the Department.
- Responsible for recruiting, and conducting background checks of applicants for the Department.

March 2006 – July 2007 Spartanburg Public Safety Department Spartanburg, SC

Office of Professional Standards and Inspections - Sergeant

- Responsible for administering the internal investigation functions of the Department.
- Responsible for the recording, registering, and controlling the investigation of all complaints against members; supervise and control the investigation of alleged or suspected misconduct by members; and maintain the confidentiality of the investigations and records by storing them in a secured manner as law permits.
- Responsible for conducting line and staff inspections of the Department.
- Responsible for recruiting, and conducting background checks of applicants for the Department.

January 2000 – March 2006 Spartanburg Public Safety Department Spartanburg, SC

Uniform Patrol - Sergeant

- Supervise the day-to-day operations of Patrol Officers.
- Implement and maintain work & training schedules of Patrol Officers.
- Conduct monthly line and vehicle inspections.
- Conduct annual and semi-annual Performance Evaluations of Patrol Officers.

January 1998 – January 2000 Spartanburg Public Safety Department Spartanburg, SC

Criminal Investigation Division - Detective

- Responsible for conducting follow-up investigation on assigned criminal cases.
- Responsible for collecting, preserving, processing, analyzing and evaluating evidence & recovered property.

- Responsible for preparing criminal cases for prosecution in court.

October 1992 – January 1998 Spartanburg Public Safety Department Spartanburg, SC
Uniform Patrol

- Protect and Serve the citizens & visitors of the City of Spartanburg by enforcing federal, state and local laws within the community.
 - Record incident reports generated by the public.
 - Responsible for preparing criminal cases for prosecution in court.
- Public Safety Media Training November 7- 8, 2012
Organizational Risk Management December 8, 2009

Certificates/Skills

National Incident Management (NIMS IS-00800.B) December 30, 2008
Law Enforcement Manual Implementation Training September 17, 2007
Background Investigations March 26-27, 2007
Incident Response to Terrorist Bombings December 4-7, 2006
Critical Incident Response Training September 18-22, 2006
Managing Police Discipline March 27-29, 2006
Human Trafficking February 23, 2006
FBI/NCIC Computer Devices for SLED/CJIS Network November 16, 2005
National Incident Management System (NIMS) September 13, 2005
Supervisory Training February 18, 2004
Law Enforcement Response to WMD Incidents: Awareness Level August 3, 2001
First Line Supervision March 8, 2000
Money Laundering/Financial Crimes Investigations November 9, 1999
Classification and Behavioral Aspects of Homicide October 28, 1999
Juvenile Procedure: Theory and Practice June 21 – July 2, 1999
Homicide Investigation March 8-12, 1999
Crime Scene Technology and Evidence Collection February 8-12, 1999
Auto Theft September 11, 1998
Fingerprint Classification January 26-30, 1998
Basic SLED/CJICS NCIC Certification April 29, 1997
Community Oriented Policing January – February, 1997
Facilitating Project Planning and Problem Solving Teams November 18-22, 1996
Operation Jetway Airport Interdiction April 25, 1996
Basic Law Enforcement March 22 – May 14, 1993

Education

2011- 2012 Limestone College Gaffney, SC
B.S. Liberal Studies
Minor in Business Management
August 2009- November 2009 University of Louisville Louisville, KY
Southern Police Institute
Administrative Officers Course
1988 -1991 Spartanburg Methodist College Spartanburg, SC
A.S. in Criminal Justice

Louis M. Nelson, Sr.

262 Summerfield Road, Moore, SC 29306

lmmnelsonsr@yahoo.com • Home 864-587-2810

Summary

Over 19 years experience in law enforcement operations, including criminal investigations, public affairs, urban patrol, undercover work, supervision of patrol officers, coordination of programs and planned actions, and personnel training. Urban patrol experience gained through both personal patrol assignments and supervisory experience in major high-crime districts; management skills gained through varied supervisory assignments. Successful in promoting crime prevention and community education programs in order to complement traditional law enforcement activities; longstanding history of community involvement.

Selected Accomplishments

Consulted with local law enforcement to increase awareness of crime patterns and assist in investigations. Supervised and monitored activities of up to 6 narcotics agents, providing direction and control necessary for smooth and consistent workflow and continued readiness to ensure the safety and protection of more than 35,000 residents.

- Coordinated efforts in a major drug conspiracy targeting upper level dealers which lead to the conviction of nearly 20 suspects.
- Promoted to Lieutenant of the Drug Unit and eradicated a department record of 18,000 marijuana plants.
- Awarded the Bronze Star Medal while deployed in support of Operation Enduring Freedom in Afghanistan.

Experience

Spartanburg Public Safety Department, Spartanburg, SC

2007 to Present

Criminal Investigator

Responds to major crime scenes to obtain and verify evidence by conducting interviews with suspects, witnesses, and victims to develop leads. Obtain and execute search and arrest warrants when required during investigations. Primary case assignments include Homicide, Attempted Murder, Arson, Burglaries, Robberies, and miscellaneous misdemeanors.

Public Safety Officer

Under general supervision, responds to emergency or high-risk situations; participates in criminal and other investigations. Performs general law enforcement duties, including patrolling assigned areas, checking property for security, maintaining order for public safety, responding to traffic accidents/incidents and issuing citations, serving warrants, apprehending and arresting suspects, questioning suspects, assisting crime and accident victims, and collecting evidence.

- Through assertive patrol techniques, assisted in the seizure of 10 pounds of marijuana and effected several arrests for violators of weapons laws.
- Demonstrated and determined work ethic in the continuous investigation and apprehension of those involved in criminal activities.
- Self motivated when conducting follow up investigations of reported criminal incidents.

Chester County Sheriff's Office, Chester, SC

2001 to 2007

Narcotics Lieutenant

Supervise, conduct, plan and organize narcotic investigations. Review and approve investigative reports and case files. Control and dispense confidential funds and expenditures. Schedule hours

of operation, complete monthly reports and evaluate personnel performance within the Drug Unit. Ensure quality control of equipment assigned to the Drug Unit. Act as the Liaison with local, state, and federal agencies and follow the instructions of the Police Chief and Sheriff.

- Involved in the conviction of over 40 middle to upper level drug dealers in several federal conspiracy cases.
- Organized, Self-Motivated, and Strong work ethic utilized during the long hours involved in building Federal cases.
- Effectively managed the Narcotics forfeiture and seizure accounts containing approximately \$200k dollars.

Spartanburg Public Safety Department, Spartanburg, SC

2000

Public Safety Officer

Performed all tasks associated with first responder police services, general patrol duties, accident investigation, and fire service calls; utilized verbal rather than physical skills to diffuse angry, aggressive, and confrontational people.

- Responded to service calls utilizing solid analytical and problem solving skills.
- Made arrests when necessary providing testimony and offering evidence during criminal proceedings.
- Participated with the Narcotics division during various covert drug operations and prostitution stings.

Chester Police Department, Chester, SC

1993 to 2000

Detective-Sergeant

Respond to major crime scenes to locate and document physical evidence through visual examination, photography, and collection; the resulting evidence is protected and prepared for presentation in a court of law. Conduct crime scene investigations for any death, or of a violent or suspicious nature.

- Initiated, guidelines and procedures to be used during criminal investigations.
- Utilized organizational and time management skills while working a number of active cases simultaneously.
- Experienced in criminal investigations writing accurate reports, interrogating witnesses and potential suspects.
- Supervised law enforcement officers as Patrol Sergeant
- Appointed as Community Officer and assisted in the establishment of the department's Bike Patrol Program.
- Served as the Advisor to the Police Explorer program.

Education

South Carolina State University, Orangeburg, SC

B.S., Criminal Justice

Senior status

Additional Skills

- Solid Analytical & Problem Solving Abilities
- Basic and Specific Skills Instructor/Defensive Tactics Instructor
- Supervisory & Leadership Experience
- Interpersonal & Communicative Skills

Affiliations

SCLEOA, Columbia, SC, 1993

Certifications and Designations

Law Enforcement Certification, South Carolina Criminal Justice Academy, Columbia, SC

Training

Interview and Interrogation, Regional Counterdrug Training Academy, Meridian, MS

Detective Level I, SCCJA, Columbia, SC

Basic Fingerprinting, SCCJA, Columbia, SC

Develop/Document Fingerprints, Public Agency Training Council, Wilmington, NC

Criminal Investigation Techniques, Public Agency Training Council, Myrtle Beach, SC

Brandy A. Duncan, Esquire

Mrs. Duncan attended Midlands Technical College, the College of Criminal Justice at the University of South Carolina, and the School of Law at the University of South Carolina earning an Associate of Science in Criminal Justice, a Bachelor of Science in Criminal Justice (minors in Political Science and Psychology), and a Juris Doctorate. After completing the Bar Exam, Mrs. Duncan worked for the South Carolina Attorney General's Office prosecuting Sexually Violent Predators for 2 ½ years before coming to the Criminal Justice Academy as the Criminal Domestic Violence Attorney in Advanced Training in February 2008. Mrs. Duncan is currently the General Counsel for the South Carolina Criminal Justice Academy. In addition to instructing at the Academy, Mrs. Duncan is also involved in legal review of lesson plans, officer misconduct/certification reviews, and all general legal matters at the Academy. She is married and has two children.

Appendix C: Survey

Fire Investigator Survey - April 17, 2012

This survey is intended to gather information about PUBLIC sector fire investigators working for fire departments. It is part of research project for an Executive Fire Officer Program research paper involving cross-training fire investigators to be law enforcement officers to better pursue the crime of arson.

1.

Does your fire department conduct origin and cause fire investigations?

- Yes
- No
- Referred to another agency (county-wide team, police dept, state, federal teams, etc).

2.

Do you have a dedicated Fire Marshal(s) or fire investigator(s)?

- Yes
- No

3.

Do you have a written policy on fire investigation procedures?

- Yes

No

4.

If a fire is determined to be intentional (arson), is it

- Referred to the police department for follow-up.
- Jointly investigated with the police department.
- Further investigated by the fire department alone.
- Further investigated by a task force (joint police and fire).

5.

Once an investigation is turned over to police for follow up (if applicable),

- The fire department has no further involvement.
- The police department works with our investigator to follow up on the fire.
- Not applicable

6.

Are your fire investigators sworn law enforcement/peace officers?

- Yes, investigators have arrest powers.
- Yes, but investigators do not have arrest powers.

No

7.

If fire investigators are law enforcement officers, do they carry firearms?

Yes

No

Not applicable

8.

Do you feel having a fire investigator with law enforcement powers is/would benefit your department and jurisdiction by allowing a fire department member to pursue the crime of arson up to and including arrest?

Yes, it is/would be extremely beneficial.

Yes, it is/would be somewhat beneficial.

It is/would be neither beneficial or harmful.

No, it is/would be somewhat harmful.

No, it is/would be extremely harmful.

9.

What many members does your department have?

0-25 members

- 25-75 members
- 75-150 members
- 150+ members

10.
Is your department...

- All career
- Mostly career, some volunteer.
- Mostly volunteer, some career.
- All volunteer

Submit

Survey Page 1

Fire Investigator Survey - April 17, 2012

This survey is intended to gather information about PUBLIC sector fire investigators working for fire departments. It is part of research project for an Executive Fire Officer Program research paper involving cross-training fire investigators to be law enforcement officers to better pursue the crime of arson.

Appendix D: Letter from South Carolina Criminal Justice Academy

November 4, 2009
 Agency Heads
 South Carolina Law Enforcement

Dear Agency Head:

It has come to the Law Enforcement Training Counsel's attention that some agencies need further guidance with regard to the different certification classifications. This letter is an effort to provide such guidance.

S.C. Code §23-23-10 (E)(1) states, “„law enforcement officer” means an appointed officer or employee hired by and regularly on the payroll of the State or any of its political subdivisions, who is granted statutory authority to enforce all or some of the criminal, traffic and penal laws of the State and who possesses, with respect to those laws, the power to effect arrests for offenses committed or alleged to have been committed.” Therefore, in order to qualify for training and certification by the South Carolina Criminal Justice Academy (SCCJA) as a law enforcement officer, an individual must meet ALL of the following:

Paid Employment
 Commissioned by an authorized law enforcement source
 Enforcement authority
 Custodial Arrest Powers

If an officer DOES NOT meet all of these criteria, then SCCJA has no authority for training and certifying that individual as a law enforcement officer.

The certification classifications that fall under this definition are:

Class 1 Law Enforcement (includes Law Enforcement officers with (Class 1 LE) full arrest powers, S.C. Highway Patrol Officers, and Chiefs of Police)

Class 2 Local Corrections (includes Local Detention Officers)
 (Class 2 LCO)

Class 2 State Corrections (includes State Corrections Officers, i.e. (Class 2 SCO) South Carolina Department of Corrections Officers) Page 2 of 5

Class 2 Juvenile Corrections (includes Juvenile Corrections Officers, i.e. (Class 2 JCO) South Carolina Department of Juvenile Justice Officers)

Class 1 Law Enforcement/Corrections (includes Law Enforcement Officers (Class 1 LECO) employed with one law enforcement agency, but whose job requires the routine performance of both Class 1 LE duties and Jail/Detention Center duties)

Class 3 Special Law Enforcement (includes Law Enforcement Officers with (Class 3 SLE) limited powers of arrest or special duties)

If an officer DOES meet ALL of the criteria of the Training Act, the SCCJA is required and authorized to provide training as established by Chapter 38 Regulation 38-007. Currently the successful completion of the following basic training is required prior to the issuance of certification:

Class 1 Law Enforcement 9 week Basic Law Enforcement Training

Class 2 Local Corrections 3 week Basic Jail Training

Class 2 State Corrections 4 week Basic Training taught by SCDC

Class 2 Juvenile Corrections 5 week Basic Training taught by SCDJJ

Class 1 Law Enforcement/Corrections 9 week Basic Law Enforcement Training and 3 week Basic Jail Training

Class 3 Special Law Enforcement 8 day Limited Duty Training

It is critical that agencies understand the differences in the types of certification classifications and training, particularly with regard to Class 3 SLE certification. The purpose and intent of “limited-duty” training and certification, for example, is to provide a core or basic foundation of knowledge and training on which to build in order to provide sufficient, adequate and specific training with which to perform only limited powers of arrest or special duties. Class 3 SLE Limited Duty training is not equivalent to Class 1 Basic Law Enforcement Training and Limited Duty Officers are NOT trained to perform the full duties of a Class 1 LEO. Additionally, local county laws and ordinances are not taught by SCCJA, and it is recommended that each county provide its own training regarding local laws, ordinances, policies and procedures.

To assist in the evaluation and determination of whether an officer is eligible for Class 3 SLE Limited Duty training and certification as opposed to Class 1 Law Enforcement training and certification, the following guidelines are offered:

Class 3 SLE officers **MAY** perform as the following:

- Court Room Security
- Airport Security
- Litter Control (S.C. Code §4-9-145)
- Litter and Animal Control (S.C. Code §4-9-145)
- Special Assignments, i.e., sporting events, crowd control, traffic at fairs, football games, transportation of prisoners, etc...
- Administrative officers (administrative officers, duty/desk officers)
- May supervise other officers (Class 1, 2 or 3) in the performance of administrative duties **ONLY**.

Class 3 SLE officers **MAY NOT** perform as any of the following:

- School Resource Officers (S.C. Code §5-7-12)
- Process Servers
- County Code Enforcers (with the exception of Litter Control Officers and Litter/Animal Control Officers)
- Supervise other officers in the performance of Class 1 LE duties, Class 2 LCO, Class 2 SCO, Class 1 LECO duties, routine patrol duties, first-line law enforcement duties, and/or uniform patrol duties or any other duties other than those which are PURELY administrative in nature.
- Class 1 LE Officer, Class 2 LCO, Class 2 SCO, Class 1LECO, and/or Reserve Officer. -As a substitute for any other certification classification and/or beyond the scope of the limited duty training provided by SCCJA.

If an officer meets ALL of the criteria of the Training Act and successfully completes the basic training required for their certification, then the completion of the following training is required for re-certification:

Class 1 Law Enforcement 40 total CLEE Hours over three (3) years, including 1 Legal Update & 1 CDV each year of the three (3) years

Class 2 Local Corrections 40 total CLEE Hours each year (amount set by Jail Standards Committee)

Class 2 State Corrections 40 total CLEE Hours each year (amount set by Jail Standards Committee), including 1 Legal Update

Class 2 Juvenile Corrections 40 total CLEE Hours each year (amount set by Jail Standards Committee), including 1 Legal Update

Class 1 Law Enforcement/Corrections 40 total CLEE Hours each year (amount set by Jail Standards Committee), including 1 Legal Update & 1 CDV each year

Class 3 Special Law Enforcement 1 Legal Update each year

In addition to the law enforcement officer certifications discussed above, the Law Enforcement Training Counsel and SCCJA are also responsible for the training and certification of Telecommunication Operators/Dispatchers. This certification is also known as Class 4 TCO. A telecommunications operator is defined as an individual employed in an E-911 system to receive, process, transmit and/or dispatch emergency and non-emergency calls for police, fire, emergency medical and other public safety services via communication devices. Currently the successful completion of a two week basic telecommunications training program is required for certification. There are no continuing education requirements for this certification.

In addition to the law enforcement officer certifications and the telecommunications operator certification, the Law Enforcement Training Counsel and SCCJA are also responsible for the

training of the following groups:

Sheriffs (Elected, Constitutional Officers, See S.C. Constitution Art. V, §24 and S.C. Code §23- 11-110)

Coroners & Deputy Coroners (Coroners are Elected, Constitutional Officers, See S.C. Constitution Art. V, §24 and S.C. Code §17-5-130)

Reserve Officers (Persons given part-time police powers without being regularly assigned to full-time law enforcement duties, See S.C. Code §23- 28-10(A) – Generally cannot be paid for their service with exception to those situations listed under S.C. Code 23-28- 20(B)).

Currently, the successful completion of the following training is required:

Sheriffs 40 Hour Sheriffs" School

Coroners & Deputy Coroners 40 Hour Coroners" School

Reserve Officers 134 Hour Reserve Officer Training Program

Currently, the successful completion of the following training is required to maintain these classifications:

Sheriffs 20 Hours of In-Service Training per year

Coroners & Deputy Coroners 16 Hours of In-Service Training per year as determined by the

Board of Directors of the S.C. Coroner"s Association

Reserve Officers In-Service Training once every month, with the number of hours to be determined by the agency

Additionally, any Sheriff wishing to maintain Class 1 Law Enforcement certification in addition to their Sheriff classification is required to maintain training for both classifications in full. The hours for the Sheriffs" School may be used toward the 40 hours needed every three years to maintain the Class 1 Law Enforcement certification. Also, the 20 hours of in-service training provided by the Sheriffs" Associate each year may also be used toward the 40 hours needed every three years to maintain the Class 1 Law Enforcement certification. Any Sheriff wishing to maintain Class 1 Law Enforcement certification also, like other Class 1 Law Enforcement Officers, is required to watch Legal Update and CDV each year.

In addition to their monthly in-service training, Reserves are also required by statute to work at least 20 hours each month or 60 hours each quarter to maintain their position. See S.C. Code §23-28-40. Also, prior to being allowed to patrol in proximate contact with a full-time officer, Reserves are required to be accompanied by a full-time, certified officer for a minimum of 240 hours. See S.C. Code §23-28-70(C). Reserves are not allowed to assume

full-time law enforcement duties without complying with all of the requirements for full-time officers. See S.C. Code §23-28-70(D) and discussion about law enforcement officers above.

The Law Enforcement Training Counsel and SCCJA Director hope these guidelines assist agencies in determining which classification is appropriate given the job duties involved. If you have any questions or concerns about these matters, please feel free to contact Director Harrell at (803) 896-7779 or Brandy A. Duncan, General Counsel, at (803) 896-7414.

Sincerely,
Patty Patterson
Chairperson
Law Enforcement Training Counsel

PP/bad

Appendix E: Draft SOP

Spartanburg Public Safety Department
Fire Division

<i>Standard Operating Procedure</i>	No. 106.10
Fire Cause Investigation-Fire Prevention Office Procedures	Page 1 of 6
Supercedes:	Effective: Draft

I. Purpose:

This policy will establish the function and operation of the Office of Fire Prevention when conducting fire investigations and acting in a law enforcement capacity.

II: Policy:

Members of the Office of Fire Prevention (MOFP) conduct fire and arson investigations on behalf of the Public Safety Department. This responsibility allows potential interaction with people involved in criminal activity. As such, MOFP shall be allowed to attend the South Carolina Criminal Justice Academy to become Class III limited duty officers.

III. Identified Applicable Distribution “A” SPSD Policies

The following SPSD Policies will apply to all MOFP who are Class III limited duty officers, in addition to all policies labeled for distribution “B”:

- 100.4 Off Duty Conduct
- 100.5 Biased Based Profiling
- 110.1A1 Role, Responsibility and Authority
- 130.1A Agency Jurisdiction
- 510.10 Field Interviews
- 520.1A4 Firearms
- 525.2A Use and Care of Body Armor
- 530.1A2 Criminal Investigations
- 530.7A1 Legal Process

- 530.8 Preliminary Hearings
- 540.1A4 Juveniles
- 570.5A Special Events
- 720.3 Impounded Vehicle Inventory
- 810.2A1 Search of Arrestee/Prisoner

IV. Role of the OFP as law enforcement officers

MOFP shall function as law enforcement to:

- Provide a method to protect firefighters and themselves at emergency scenes, including arson fires.
- Detain or arrest, if necessary, suspects of arson at a fire scene or during the course of the investigation.
- Intervene in situations where a citizen's health and welfare are being threatened, if it occurs in the MOFP's presence, until a police officer arrives.

MOFP will not:

- Transport any arrestee
- Conduct any police action outside of the crime of arson enforcement, fire code enforcement, or City Ordinance enforcement as it pertains to Chapters 5 and 7.
- Conduct traffic stops, conduct pursuits, or any other police action not otherwise permitted by this policy.

V. Firearm

MOFP will be issued a firearm, handcuffs, and body armor which must be maintained in accordance with SPSD Policy 520.1A4 and 525.2A. During day to day operations, MOFP may carry their weapon at their discretion. During normal working hours, the weapon must either be carried on the MOFP in the department issued holster or secured in their department vehicle. At any time a MOFP thinks they may be conducting interviews (on-scene or follow-up in the field), investigating an arson case post-fire, conducting night inspections of businesses, conducting inspections in known high-crime areas or locations, or in any situation during the normal discharge of their duties where they may need to protect themselves or the general public, the MOFP shall wear their department issued firearm. However, during operations such as routine annual business inspections, carrying a weapon is not necessary and office members should be aware that a business owner or citizen should not feel intimidated. Another exception to this is when working an active fire scene where the wearing of the weapon would hinder "digging out" the scene or other operations (such as when wearing structural firefighting equipment). A firearm shall not be displayed during follow-up interviews conducted in an interview room or at the police or fire station to avoid accusation of intimidation or coercion. Members shall also stow their firearm before attending Family Court, General Sessions Court, or when entering the detention facility.

VI. Special Situations

If a call or radio transmission indicates an officer or citizen is in imminent danger (officer goes code “zero-zero”, citizen is being actively assaulted in public, etc.), and if the MOFP is in immediate proximity to the incident (such as within one-quarter mile), and the MOFP feels their assistance could result in averting a serious injury or death, the MOFP can respond to the incident by calling out on the police radio channel and going en-route to the incident. If the situation is handled or will be handled by police officers while the MOFP is en-route or on-scene at the incident, the MOFP shall defer the situation to the police officers and clear the scene once the officers allow them. At no time shall a MOFP attempt to overrule a police officer’s decision at an incident not involving an arson crime. MOFP shall not respond to any routine police incident at any time unless they are requested by police (example: attempt to burn where the Fire Division did not respond). MOFP shall not respond to any non-fire/rescue life-threatening incident in which they are not in close proximity.

If a crime occurs in the presence of a member of the Office of Fire Prevention, the seriousness and nature of the crime should be considered before any action is taken. Minor occurrences not involving life safety or significant property damage should be deferred to a police officer. If the crime is observed and the actions of a member could help avert danger to a citizen’s health and welfare, steps should be taken by the member to detain or arrest the offender until a police officer arrives.

VII. Fire Investigations

Fire investigations will be conducted when indicated by Spartanburg Public Safety Department Fire Division SOP 106.07. Scene operations prior to the arrival of the fire investigator are also covered by this policy. Investigators shall use knowledge gained and contained in NFPA 921 “Guide to Fire and Explosion Investigations”, training courses, experience, trade magazines, and other sources when conducting a fire investigation. It is recognized that the field of fire investigation is evolving constantly and updated methods, techniques, and theories exist such that no one source is all inclusive and thorough. An investigator must look at the overall material and knowledge available and apply it to each fire scene.

When an investigator arrives on scene, they shall report to the incident commander to be briefed on the incident. If needed, the investigator may be assigned an operational role such as safety officer or even suppression if the incident is still on-going. If this occurs, the investigator shall still be alert and observe the scene when possible for indicators of fire cause, including taking photographs if possible. Investigators shall ensure the scene is secure from citizens by putting up barrier tape, requesting a police officer for crowd control or other measures as needed.

Investigators must approach every fire with a neutral opinion of the cause of the fire. A

fire is neither intentional nor unintentional until evidence and facts indicate one or the other. A fire cause determination of “undetermined” is acceptable practice and allowed. Fire causes may be laid out with degrees of probability and possibility even if a fire is officially ruled undetermined or unintentional with no exact determination. As an example, a fire may be ruled unintentional, with the most probably cause of the fire as improperly discarded smoking material, while a possible cause was an arching electrical plug. In this case, the smoking materials most likely started the fire, but the electrical plug could not be excluded. Thus, the fire would still be ruled unintentional because neither of these options indicates an intentionally set fire.

Once the fire is under control and the incident commander releases the MOFP from any operational role, they shall begin or continue their investigation. Interviews with first arriving firefighters, bystanders, and occupants need to be performed. Photographs of the exterior, including utilities, door positions, exposures, etc. must be taken.

Once the exterior observations are completed, the MOFP may enter the structure under exigent circumstances to conduct the fire investigation. Proper personal protective equipment must be worn prior to entry. This can include but is not limited to Tyvek suits, structural firefighting gear, helmet, gloves, SCBA, SCBA mask with APR, steel toe/shank boots, eye protection, etc. Depending upon weather conditions, structural conditions, and scene conditions, the level of PPE may be adapted to suit the situation. At a minimum, foot, hand, and head protection must be worn if the structure suffered fire damage. Atmospheric monitoring shall be in place during the investigation. Typically, the structure should be examined from the least burned to the most burned areas. Depending upon the structure’s layout and proximity of fire damage to the entrances, this may be difficult to do, but in general this pattern should be followed. It is also preferred that photographs be taken prior to moving any material. Photographs shall show all 6 sides of each room and be methodical and thorough, with wide angle and close up photos of any areas or items of interest.

A sketch of the structure, site, and room of origin should be considered. This may not be warranted for some fires, but can assist an investigator in plotting where evidence was collected, where air entrainment could have altered fire patterns, and other things pertinent to the investigation.

Additional information that may need to be collected include weather conditions, 911 caller information, CAD information, consent to search/warrant, etc.

At any point during the investigation, if there becomes a concern that there may have been ignitable liquids used to start or spread the fire, the investigator must back out of the structure and setup a decontamination line. This shall include, at a minimum, a brush, Dawn dish soap, and clean water to scrub the investigators footwear and tools. Cleaned tools shall be placed in an area where they will remain clean until use. Once an investigator leaves the structure, they must re-decontaminate every time they enter the structure. Alternately, they may remove their boots or overshoes as they exit and re-don

them upon entry into the structure. Generally, firefighter's boots are not cleaned prior to entering a structure fire, so a fire investigator does not have to be generally concerned with having clean shoes when they first enter a structure. However, if burn patterns, odors, or other clues present themselves that indicate an ignitable liquid may have been used, decontamination is required, especially before working in an area where a sample may be taken.

After all evidence is collected, photos are taken, and the scene is ready to be released to the occupant or owner, the structure needs to be evaluated and posted "unsafe" if necessary. Also, if possible, efforts should be made to secure the building. The Unsafe placard should be photographed on the structure. The occupants should be advised on the dangers of entering the structure, and on ways of obtaining assistance, such as Red Cross. Notification shall be promptly (typically within 24 hours) made to utilities and contacts internal to the City, such as the Building Department, that a fire has occurred at the structure.

VIII. Arson Investigations

MOFP will be the primary fire investigators for all fires that occur within the City of Spartanburg. If a fire is determined or believed to be an arson fire by the fire investigator, a police officer will be requested to respond to take a report. Further, a crime scene log will be initiated and personnel entering and exiting the structure/scene will be tracked. If the fire is significant or has special considerations such as a fatality, a Criminal Investigation Division Investigator will be requested to respond to the scene.

Additionally, once a scene or suspect is determined or suspected to be arson, a criminal search warrant must be obtained prior to collecting any evidence or further processing for scenes with any moderate property damage, injury or death to a firefighter, civilian fatalities, or when the owner of the property cannot be identified or located.

The MOFP will act as the lead on the fire scene investigation. After the scene examination is completed, the police investigator will become the lead investigator on the case. MOFP will work with the police investigator on interviews and case follow-up.

IX. Fatal Fire Investigations and Burn Victims

In the event of a fatal fire, a police supervisor and criminal investigator will be requested to respond along with the Coroner's Office. The coroner, police investigator, and fire investigator will work together to process the scene and the body. All investigators have defined roles that are vital to the investigation. Police and Fire investigators shall process the scene and upon completion the coroner shall conduct their investigation to determine the cause of death as it relates to the scene and evidence from the victim(s). Examples include toxicology, autopsy, body position, etc. Under no circumstance shall a body be moved once the victim is confirmed to be expired, unless it is to prevent the body from

further damage by fire, collapse, etc.

In the event a victim is burned at a fire and is either treated or treated and transported, an effort should be made to photograph the victim's burns. Burns and body position can be very important to determining the cause of the injury and should be documented if possible. Burn locations should be documented on a pictograph of a body as well. Regardless if the injury is fatal or not, a member of the Public Safety Department should proceed to the hospital with the victim. Any clothing and personal effects may be collected by either the Coroner's Office or a member of the Public Safety Department as evidence. The victim may be photographed, interviewed, etc. after they are stable and a physician allows us access to the patient. In the case of a fatality, a MOFP, police officer, or forensics technician should be present for the autopsy to observe and record any findings by the medical examiner that may be important to the investigation, especially cause of death.

X. Evidence

MOFP will follow SPSD Policies and Procedures while processing a crime (arson) scene and gathering evidence. Non-arson evidence, such as fingerprints and blood, shall be collected by a SPSD Forensic Technician or CID/police officer.

All evidence shall be submitted to SPSD Property and Evidence and entered into their record management system. Case work, photos, etc. will be electronically stored on the dedicated and restricted FMO server. Hard copies must also be maintained in the fire department case file. All evidence shall be cross labeled with both police and fire incident numbers. Both incident numbers shall also be listed in the police and fire investigation reports to ensure anyone reading either report is aware of the companion report.

Flammable and combustible liquids shall be gathered using clean, unused equipment such as pipettes and vials. Liquid shall be placed in a vial, sealed, and placed in an overpack container such as a plastic bottle or quart evidence can.

Any arson evidence that is to be submitted for testing for the presence of ignitable liquids must be sealed in an airtight container. Preferably, this will be a clean, unused, lined evidence can. Any container holding ignitable liquid or fire debris to be sent for testing shall be sealed and have evidence tape placed over the seal to prevent tampering. The seal shall be initialed by the MOFP taking the sample so that the initial overlaps the evidence tape and can. A Spartanburg County Forensics Request form must be filled out along with a short memo outlining what the evidence is and what testing is requested. These will be forwarded to the County Forensics Lab along with the evidence by the Evidence Technicians.

Flammable or combustible liquid containers shall not be brought into the fire or police departments with liquid inside them. Any excess liquid not used for testing shall be wasted. When possible, the container should be sealed after the liquid is wasted to prevent fumes from escaping into the evidence storage area. If a container is too large,

producing strong vapors, or other issue arises, contact the on-call evidence technician for guidance on how to store the container.

All evidence shall be clearly labeled and an evidence sticker printed from the evidence software and affixed to the envelope or can. Any evidence that needs special handling such as fingerprints, DNA, etc., needs to be clearly labeled.

XI. Interviews

SPSD Policy 510.10 shall be followed when conducting interviews. Any time an interview is conducted out of public view, such as in a victim, neighbor, or suspect's home, the location of the fire, etc., a second MOFP or a police officer must be present and the department issued firearm should be worn. Copies of interview forms shall be given to the person interviewed and to the CID investigator if they are not present. The purpose of wearing a weapon during a follow-up interview or on-scene interview with a suspect, victim, or witness is primarily for the safety of the officer. The determination for wearing the weapon in an uncontrolled environment must be made by the officers conducting the interview based upon the circumstances and level of comfort of the officers.

For any follow-up interviews conducted in controlled settings, such as the interview room in the Police Dept or at the Fire Station, weapons should be secured in the designated area to avoid any accusation of intimidation or coercion, and only two investigators should be allowed in the interview at a time.