



## Policy 721

Subject	
<b>ARSON INVESTIGATIONS</b>	
Date Published	Page
<b>1 July 2016</b>	<b>1 of 8</b>

*By Order of the Police Commissioner*

### **POLICY**

It is the policy of the Baltimore Police Department (BPD), consistent with the law, to conduct an investigation into all fires that have been ruled incendiary or suspicious in nature by the Baltimore City Fire Department.

### **PURPOSE**

The purpose of this Policy is to establish procedures and protocol for the investigation of fires, which occur under the following circumstances:

1. Fires classified as incendiary in nature.
2. Fires that reach multiple alarm status.
3. Fires that result in death or serious injuries.
4. Fires or incidents involving an incendiary device (e.g., Molotov cocktail, etc.).
5. Fires that result in property damage.

### **GENERAL**

Only fires that law enforcement investigation determined to have been willfully or maliciously set may be classified as Arson. Due to the unique nature of the crime of Arson, it is imperative that an origin and cause investigation be conducted by the Baltimore City Fire Department's Fire Investigation Bureau (FIB). The results of the origin and cause investigation, will determine whether or not the fire was incendiary in nature, and subsequently whether the crime of Arson exists for reporting purposes as well as for the purpose of prosecution. Without a member of FIB conducting an origin and cause investigation to make a determination of incendiary, you do not have the crime of Arson.

1. Fire related incidents shall be written under one of the following categories:
  - 1.1. Arson
  - 1.2. Alarm of Fire
  - 1.3. Suspicious Fire
  - 1.4. Attempted Arson

NOTE: Do not use Malicious Burning as your incident. Staff Review will enter Malicious Burnings as Arson. The term Malicious Burning is for charging purposes and should not be classified as the incident on the offense reports.

Baltimore City Ordinance, Article 9, Section F-102.11 sanctions the Baltimore City Fire Department with the responsibility to maintain records of all fires, which occur in Baltimore City. FIB is charged with the responsibility of determining the origin and cause of fires, which occur in Baltimore City and to notify the Arson and Explosives Unit, which has the responsibility to conduct the criminal investigation of fires that are incendiary or suspicious in nature. Until an origin and cause investigation is conducted, the Fire Department has complete control of a fire scene.

2. A member of FIB should only inform you as to whether a fire falls under one of four categories:
  - 2.1. Accidental
  - 2.2. Incendiary
  - 2.3. Not fully ascertained
  - 2.4. Under Investigation

### **REQUIRED ACTION**

#### **Member**

1. Assist the Fire Department so that no person(s) hinders or obstructs any firefighter in the performance of his/her duty.
2. Provide crowd control and traffic control at the fire scene.
3. Secure and protect the fire scene as a crime scene, unless otherwise directed by a member of FIB or an investigator from the Arson and Explosives Unit of the BPD.
4. The primary officer is responsible for conducting a preliminary investigation of every fire.
  - 4.1. Obtain information as to whether the fire was accidental or incendiary.
    - 4.1.1. This information can be obtained from the Fire Investigator at the scene, if it can be ascertained.
  - 4.2. Obtain information on person(s) killed or injured as a result of the fire.
    - 4.2.1. Name, age, and address of the victim(s).
5. The Incident Report, Form 04/008 should reflect a thorough preliminary investigation and the proper classification of the fire incident.
  - 5.1. Basic reporting information required of any type fire is as follows:
    - 5.1.1. Date and time of fire.

- 5.1.2. Name and address of the person who discovered the fire.
  - 5.1.3. Name and address of the person who placed the call to the Fire Department.
  - 5.1.4. Location of the fire.
  - 5.1.5. Name and address of the property owner, if known.
  - 5.1.6. Name of occupants.
  - 5.1.7. Extent of damage and location within the building or area.
  - 5.1.8. Number of the engine or truck company, which responded to the fire. During multi-alarm fires, only the first responding fire apparatus need be noted.
6. If the fire incident is declared incendiary, the following additional information must be included on the Incident Report, Form 008. This information is mandatory for the Uniform Crime Reporting System.
- 6.1. Proper crime classification (Arson, Attempted Arson, or Alarm of Fire.)
  - 6.2. Name of Fire Investigator, who made the determination of the cause of the fire or the Fire Chief on the scene.
  - 6.3. Property classification (Residential, Commercial, Vehicle, or Storage.)
  - 6.4. Estimated value of property structure and content damaged as a result of the fire can be obtained from the member of the FIB.
- NOTE:** If the fire is incidental to a burglary, theft or robbery, the property taken in these respective offenses should be listed separately from the estimated value of property damaged as a result of the fire. The Hierarchy Rule does not apply to the offense of Arson. An Arson report plus an incident report for associated offenses are needed.
7. Upon arrival at a fire scene, where the fire has been extinguished by the occupant(s), contact the Fire Department immediately via Communications Section and report the circumstances. It is the responsibility of the Fire Department to assure all fires are properly extinguished and investigated.
8. Conduct a canvass of the area in attempts to locate any possible witnesses. If witnesses are located, have them standby until the arrival of the Police Arson Investigator as they might be able to provide important information as to the progression of the fire or a suspect.
9. In the event injuries are sustained as a result of the fire, a police officer should respond to the medical facility to locate that victim and interview when possible.
- NOTE:** Ascertain where any displaced persons (due to the fire) will be temporarily staying. Include the name and address of the person(s) and the phone number where they can be reached.
10. Ensure that the Crime Scene Unit has been ordered to process the fire scene only after consulting with an Arson Unit detective.

11. Take into custody any person(s) whom you have probable cause to believe has committed, is committing, or is about to commit a felony violation of a city and/or state law related to fire offenses or when you have probable cause to believe a person is committing a misdemeanor violation of a city and/or state law relating to fire offenses in your presence.
12. Member are to be guided by Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*; Policy 1106, *Warrantless Arrest Procedures and Probable Cause Standard*; and Sections §2-202 and §2-203 of the Criminal Procedure Article, Maryland Annotated Code, *Authority of Police Officer to Make Warrantless Arrest*.

**NOTE:** Pursuant to MD. Code Ann., Crim. Proc. Art., §2-203 (a), a police officer may arrest a person without a warrant if he/she has probable cause to believe the person has committed or is attempting to commit a malicious burning in either the first degree or second degree **and** the failure to immediately arrest the person may result in:

1. The person not being apprehended,
2. Physical injury to another or property damage, or
3. The tampering with, disposal of, or destruction of evidence.

For definitions of “malicious burning,” refer to MD. Code Ann., Crim. Law Art., §6-104 and 105.

7. Report findings of your preliminary investigation on the Incident Report, Form 04/008.

**NOTE:** If you recover a vehicle that has fire damage and is listed as stolen, you shall make a request via Communications Section to notify the Arson Unit. Once a determination is made, the appropriate fire report should be written in addition to the recovered stolen auto report. The Crime Scene Unit should be contacted for evidence collection prior to towing the vehicle to the City Yard.

### **Supervisor/OIC**

1. Respond to all fire scenes in your sector.
2. Provide guidance and direction, as needed, to subordinates conducting preliminary investigations.
3. Review all field reports submitted to you for accuracy and completeness.
4. Ensure that a copy of the fire related offense report is sent to the Arson and Explosives Unit.

### **Arson and Explosives Unit**

1. The FIB investigator has the sole discretion to have the Police Arson and Explosives Unit respond to the scene of the fire with the exception of vehicle fires.

**EXCEPTION:** BPD Command Officers, Captain or above, can request the Arson and Explosives Unit on-call detective to respond to the scene.

2. The Arson and Explosives Unit conducts the follow-up investigation of all unsolved fires which are classified as:
  - 2.1. Arson
  - 2.2. Attempted Arson
  - 2.3. Suspicious Fire
  - 2.4. Multiple Alarm Fire
3. Members of the Arson and Explosives Unit automatically respond to and investigate the following incidents:
  - 3.1. Multiple alarm fires.
  - 3.2. All fatal fires.
  - 3.3. Fires involving Police and Fire Department vehicles or property.
  - 3.4. Fires committed for the purpose of interfering with any person(s) because of hate-bias, refer to Policy 815, *Hate Crimes* for any additional information.
  - 3.5. Series of fires involving hospitals, hotels, multi-apartment complexes, nursing homes, religious institutions, commercial or industrial establishments where large numbers of people are concentrated.
  - 3.6. All bombing incidents, where explosives or incendiary devices, (e.g., Molotov cocktails) are found detonated or intact.
4. The Arson and Explosives Unit is available to assist members of the BPD in the investigation of incendiary fires and can be reached at 410-396-2645 during the hours of 0700-2400. After hours call the Communications Unit at 410-396-2284 to have the Arson and Explosives Unit on-call detective contacted.

#### **Supervisor, Arson and Explosives Unit**

1. Shall respond to:
  - 1.1. Any fire which reaches a status of four alarms or more.
  - 1.2. All fatal fires.
  - 1.3. Fires committed for the purpose of interfering with any person(s) because of hate-bias, refer to Policy 815, *Hate Crimes* for any additional information.
  - 1.4. Fires involving religious institutions.
  - 1.5. Bombing incidents, where explosive devices are found detonated or intact, refer to Policy 707, *Bomb or Bomb Threat Calls For Service* for any additional information.

**Forensic Science and Evidence Management Division**

1. The Crime Scene Unit is responsible for processing fire scenes, which have been declared Arson, Attempted Arson, Suspicious Fire or Fatal Fire for evidence.
2. Crime scene processing will be conducted under the direction of the Police Arson and Explosives Unit Investigator.

**APPENDIX**

- A. Example of Arson Report

**RESCISSION**

Remove and recycle/destroy Policy 721, *Arson Investigations*, dated 8 February 2011 and all amendments.

**COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

APPENDX A

Example of Arson Report, Form 008

<b>INCIDENT REPORT</b> Form 04/008 1160-26-56		<b>POLICE DEPARTMENT</b> BALTIMORE, MARYLAND				1 Crime / Incident ARSON / DWELLING		Attempt <input type="checkbox"/>		2 Complaint Number 1H-00123	
<input type="checkbox"/> Person Domestic Related <input type="checkbox"/>		<input checked="" type="checkbox"/> Property Gang Related <input type="checkbox"/>		<input type="checkbox"/> Vehicle Juvenile Related <input type="checkbox"/>		<input type="checkbox"/> Miscellaneous Hate Crime <input type="checkbox"/>		3 Location of Offense / Incident (Exact Street Address) 300 E. BALTIMORE STREET			
6 Unit 1B11		7 Post of Occurrence 111		8 Reporting Area		9 Street Code		10 CAD Number 1304		4 Date / Time Occurred 8 AUGUST 2010, 1300 HRS	
13 Case Status <input type="checkbox"/> Open <input type="checkbox"/> Closed		14 Case Disposition <input type="checkbox"/> Cleared <input type="checkbox"/> Not Cleared		15 Follow-up <input type="checkbox"/> Yes <input type="checkbox"/> No		16 Crime Code		17 Crime Classification		5 Date / Time Reported 8 AUG 2010, 1300	
11 Location Given by Dispatcher		12 Companion Report No.		18 Describe Location of Offense or Type of Premise DWELLING		19 Reported by Crime Watcher <input type="checkbox"/> Yes <input type="checkbox"/> No		Page 1 of 2			
20 Complainant / Victim Name (Last, First, MI), or Firm Name if Business HARRIS, JOHNATHAN		Residence / Address (Include City, County, State, Zip) 300 E. BALTIMORE ST BALTO, MD 21202				Sex M		Race W		Age 50	
21 Injuries and Location on Body		Victim's Condition <input type="checkbox"/> Yes <input type="checkbox"/> No		22 Victim / Assailant Relationship		23 Current / Former Cohabitant <input type="checkbox"/> Yes <input type="checkbox"/> No		Occupation CUSTODIAN			
24 Reporting Person Name (Last, First, MI) JONES, ANTHONY P/O		Sex M		Race W		Age 21		DOB 0700-1500		Address (Include City, County, State, Zip) 500 E. BALTIMORE ST	
25 Witness Parent/Guardian <input type="checkbox"/>		Name (Last, First, MI)		Address (Include City, County, State, Zip)		Residence Phone		Other Phone			
26 Suspect Name (Last, First, MI) HARVEY, ANN		Address (Include City, County, State, Zip) 300 E. BALTO ST BALTO, MD 21202				Sex F		Race W		Age 40	
DOB 08/06/70		Height 5'4"		Weight 135		Complexion BLONDE		Hair Color/Length/Style		Eyes BLUE	
Facial Hair		Teeth		Shirt/Coat WHITE		Pants BLACK		Shoes		Additional Descriptors (Tattoos, Piercings, Scars, Marks, Accent, etc.)	
27 Trademarks of Suspect(s) (Action / Conversation)		28 Point of Entry KITCHEN DOOR		29 Location Last Seen W ON BALTO ST		30 Manner of Escape FOOT		31 Direction of Escape WEST			
32 Weapon / Means of Attack MATCHES/IGNITABLE LIQUID		33 Method Used to Commit Crime POURED LIQUID, LIT WITH MATCHES				34 Type of Property Taken		35 Total Loss Value			
36 Vehicle Information <input type="checkbox"/> Suspect <input type="checkbox"/> Victim <input type="checkbox"/> Stolen <input type="checkbox"/> Towed <input type="checkbox"/> Other		Tag Number		State		Expiration		Vehicle Year/Make		Model	
Body Style/Color		Mileage		37 Registered Owner Name (Last, First, MI)		Sex		Race		Age	
DOB		Address (Include City, County, State, Zip)		38 Recovered by		39 Method of Theft		40 Evidence of Stripping / Tampering		41 Repo. Check <input type="checkbox"/> Yes <input type="checkbox"/> No	
42 Tow List Check <input type="checkbox"/> Yes <input type="checkbox"/> No		43 Owner Notified <input type="checkbox"/> Yes <input type="checkbox"/> No		44 Tow Information Location Towed From		Location Towed To		Towed by		Tow Truck Operator Signature	
45 Detective Notified E. VOGT		Sequence No. C831		Assignment CID ARSON		Unit Number 6541		Date 8/8/10		Time 1400	
46 Medical Examiner Notified		Date		Time		47 Crime Lab Technician Name HARRIS		Unit Number 5822		Time 1345	
48 Hot Desk Person Notified		Date		Time		49 Communications Supervisor Notified <input type="checkbox"/> Yes <input type="checkbox"/> No		50 Citywide Broadcast <input type="checkbox"/> Yes <input type="checkbox"/> No		51 Victim Assistance/Incident Information Form(s) Provided <input type="checkbox"/> Yes <input type="checkbox"/> No	
52 Copies Forwarded To											
Cont'd Sections Narrative: (1) Continuation of any preceding items. (2) Property Listing, to include property taken and seized/submitted evidence/property, list property inventory number(s) when applicable. (3) Describe details of incident. Include all steps taken in preliminary investigation. (4) List all additional notifiers, including name, agency or assignment, unit number, telephone number, date, time. (5) List all arrests, including Arrest Numbers and charges.											
PROPERTY LISTING: STRUCTURAL DAMAGE \$25,000.00 CONTENT DAMAGE \$15,000.00 TOTAL \$40,000.00  On 8 August 2010 @ 1300 hours, I responded to 300 E. Baltimore Street for a reported dwelling fire. Upon my arrival I observed heavy smoke and fire coming from the second floor of the above location. Fire Department units Engines #30, 22 and 5 along with Trucks # 16 and 10 were on the scene. Battalion Chief #2 was in charge of the scene.											
Continued <input checked="" type="checkbox"/>											
53 Reporting Officer Name (PRINT CLEARLY) JONES, ANTHONY P/O		Sequence No. 1123		Assignment CD - PATROL		Signature		54 Approving Supervisor Rank and Name			
Sequence No.		Assignment		Signature		55 RMS Data Entered By		Sequence No./Date		Time	
56 Reviewer		57 Referred To									

REPORT SHOULD BE TYPED OR LEGIBLY PRINTED IN BLACK INK

**APPENDIX A**

Example of Arson Report, pg. 2

<b>SUPPLEMENT REPORT</b> Form 04/007 1160-25-23		<b>POLICE DEPARTMENT BALTIMORE, MARYLAND</b>		1 Crime / Incident <b>ARSON / DWELLING</b> <input type="checkbox"/> Attempt		2 Complaint Number <b>1H-00123</b>	
<input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Follow Up				3 Location of Offense / Incident (Street Address, Zip) <b>300 E. BALTIMORE STREET</b>		Page <b>2</b> of <b>2</b>	
Person <input type="checkbox"/> Property <input checked="" type="checkbox"/> Miscellaneous <input type="checkbox"/> Vehicle <input type="checkbox"/> Missing Person <input type="checkbox"/> Custody <input type="checkbox"/>				4 Date / Time of This Report <b>8 AUGUST 2010, 1300 hrs</b>		5 Arrest / Custody Number	
6 Unit <b>1B11</b>		7 Post of Occurrence <b>111</b>		8 Reporting Area		9 Street Code	
				10 CAD Number <b>1304</b>		11 Original Report Date / Time	
12 Offense / Incident Changed From							
13 Case Status <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed		14 Multiple Clearance <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		15 Case Disposition <input type="checkbox"/> Cleared <input checked="" type="checkbox"/> Not Cleared		16 Follow-up <input type="checkbox"/> Yes <input type="checkbox"/> No	
17 Crime Code		18 Crime Classification					
19 Complainant/ Victim Name (Last, First, MI), or Firm Name if Business <b>HARRIS, JOHNATHAN</b>		Residence / Address (Include City, County, State, Zip) <b>300 E. BALTO ST. BALTO. MD, 21202</b>		Sex <b>M</b>		Race <b>W</b>	
				Age <b>50</b>		DOB <b>2/12/60</b>	
20 Copies Forwarded To							
21 Cont'd Section: Narrative: (1) Continuation of any preceding items. (2) Property Listing, to include property taken and seized/submitted evidence/property, list property inventory number(s) when applicable. (3) Record all activity and all developments in case subsequent to last report. Include names and arrest numbers of all persons arrested. Explain any crime/incident classification change. (4) List all additional notifications, including name, agency or assignment, unit number, telephone number, date, time. (5) Recommend case status when applicable. (6) If Multiple Clearance, include all affected complaint/case numbers.							
<p>CONTINUATION:</p> <p>The fire was subsequently extinguished and an investigator with the Fire Investigation Bureau arrived on the scene. Captain Swisher, F.I.B. #10, determined that the fire originated in the living room of the first floor of the dwelling. The point of origin of the fire was in the area of a couch against the north wall of the room. Captain Swisher advised that he detected an odor of an ignitable liquid on the end of the couch closest to the east wall. An open flame was applied to the couch with the resulting fire consuming the entire left side of the couch and extended to the east wall and ceiling. The fire also caused heavy burning to the floor in the area in front of the couch. The fire also caused various degrees of burning to the remaining furniture in the room but did not extend from the living room.</p> <p>Captain Swisher indicated that all accidental causes for the fire were eliminated and that the fire was incendiary in nature. He requested a Crime Lab be ordered. He also advised that Police Arson was requested through Fire Communications and that the on-duty Detective is responding to the scene.</p> <p>My investigation revealed that at the time of the fire the owner of the property was not at home. First arriving fire department units found the front door of the dwelling secured with a deadbolt lock. The rear kitchen door was found to be closed but unlocked. Just outside the rear kitchen door a discarded red plastic gas can was observed.</p> <p>Based on my investigation and the information provided by Captain Swisher, this fire is determined to be arson. Detective Wilson, unit 6541 of the Arson Unit arrived on the scene and took charge of the investigation. Detective Wilson directed the Crime Lab unit once it arrived on the scene.</p> <p>Crime Lab 5823, CLT Ridley, photographed the interior and exterior of the dwelling. CLT Ridley also recovered evidence from the living room and submitted same to ECU.</p> <p>This Officer along with 1B13 and 1B15 conducted an area canvass. During that canvass several witnesses described a subject leaving the rear of the home approximately 30 minutes before the fire department was notified. All witness and suspect information is reported on supplement reports.</p> <p>Detective Wilson will continue the investigation.</p>							
Continued <input type="checkbox"/>							
21 I affirm and declare that the statements above are true to the best of my knowledge: Reporting Person's Signature Date							
22 Reporting Officer Name (PRINT CLEARLY) <b>JONES, ANTHONY P/O</b>		Sequence No./Assignment <b>1123 CD - PATROL</b>		Signature			
23 Approving Supervisor Rank and Name		Sequence No./Assignment		Signature			
24 RMS Data Entered By		Sequence No./Date		Time		25 Reviewer	
						26 Referred To	

**REPORT SHOULD BE TYPED OR LEGIBLY PRINTED IN BLACK INK**