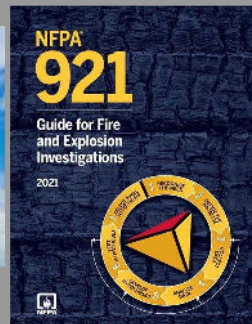


CHAPTER 10 DATA COLLECTION OUTSIDE OF THE FIRE SCENE



OBTAINING
INFO

FORMS OF
INFORMATION



CH. 14

LEGAL
CONSIDERATIONS

GOV'T/ PRIVATE
SOURCES



Welcome to Chapter **10 Data Collection Outside of the Fire Scene**. If you are following us in NFPA 921 (2021) edition we are covering Chapter 14. In this chapter we will discuss:

- The importance of information gathering in a fire investigation,
- The reliability of the collected information,
- The Legal considerations,
- The different forms of information,
- The importance of interviews in an investigation, and finally,
- Governmental and private sources of information.

INTRODUCTION

**EXAMINATION OF
EVIDENCE,
ANALYSIS OF
DOCUMENTATION**



A fire investigation always begins with the examination and then the subsequent evaluation of the documentation taken from a fire scene. Once that is done, other sources of information must be gathered and analyzed. The combination of scene examination, information gathering, research and analysis is what leads to an investigator's ability to determine the origin, cause and, where appropriate, responsibility for a particular fire.

INTRODUCTION

TECHNOLOGICAL ADVANCES:

COMBINE RESOURCES AND
KNOWLEDGE
RECALLS
TASK FORCES AND FIRE
INVESTIGATION TEAMS
PROPERTY OWNER DATA



As is the case with many professions, technology has greatly improved the fire investigator's ability to find accurate information in a timely manner. Today's fire investigator can find information ranging from weather patterns, to recalls, to property owner data on the web.

Technology has also led to better and quicker information exchange amongst organizations and agencies, which means the pool of knowledge a fire investigator has access to is much larger. Task forces and fire investigation teams are becoming more and more popular as they allow fire investigators to tap into the experience of their peers. As well, these teams frequently combine resources and experience to help out with each other's investigations.

RELIABILITY OF INFO

Information is only as good as its source.

THINGS TO CONSIDER

COMMON SENSE

OWN KNOWLEDGE

REPUTATION

PERSONAL INTEREST



Information is only as good as its source. The source of the information always needs to be taken into account before considering it to be reliable or accurate.

An investigator should consider:

- Their own common sense as an investigator,
- Their own personal knowledge and experience,
- The reputation of the source,
- And if the source has any personal interest in the outcome of the investigation.

It is also worthwhile to remember that as important as it is to know where your information is coming from, it is just as important to know whom you are giving information to. Careless dissemination of information can lead to a compromised investigation.

In one case, the remains of a young woman's body were found in a burn out bedroom in the mobile home she occupied. The fire investigators quickly attributed the cause of the fire to misuse of smoker's material on the bed, and that she died of smoke inhalation in the fire. They did a press release later that day which said the cause of the fire was accidental. About a week later the autopsy revealed that there was no smoke residue or other products of combustion in her

system. Obviously, she was dead at the time of the fire, so the cause of death and the cause of the fire had to be changed. The lesson learned was that premature release of information should be avoided.

LEGAL CONSIDERATIONS

CONFIDENTIAL COMMUNICATIONS

- PRIVILEGED INFORMATION
 - HUSBAND-WIFE
 - DOCTOR-PATIENT
 - ATTORNEY-CLIENT



The information available to an investigator is governed by legal considerations including the following:

The Freedom of information act provides public access to information held by the federal government; however, an investigator should be aware of the laws, rules and procedures around obtaining information and conducting interviews in their jurisdiction. The investigator must take measures to ensure the information obtained in the investigation is done legally. Failure to follow proper procedures could result in critical information being excluded in criminal cases.

An investigator must also take into account, privileged communication, or, in other words, statements made within a protected relationship such as husband-wife, doctor-patient, attorney-client as well as

Confidential Communications, which are statements that are made where the speaker intended the information to be heard solely by the individual being spoken to.

THE INVESTIGATOR SHOULD APPLY ASTM STANDARDS:

E678 EVALUATION OF SCIENTIFIC OR TECHNICAL
DATA

E860 EXAMINING & PREPARING ITEMS

E1188 COLLECTION & PRESERVATION



The investigator should apply ASTM Standards E678, Standard Practice for Evaluation of Scientific or Technical Data, E860, Standard Practice for Examining and Preparing Items that Are or May Become Involved in Criminal or Civil Litigation, and, E1188, Standard Practice for Collection and Preservation of Information and Physical Items by a Technical Investigator.

FORMS OF INFO



DOCUMENT THE CHAIN OF CUSTODY

CONSIDER ALL POTENTIAL SOURCES



Generally, information is available to an investigator in the following forms:

- Verbal information such as witness interviews, phone calls and recordings,
- Written information which may include reports, documents, and reference material,
- Visual sources such as photos, video footage, and computer animations, and
- Electronic information, meaning all information collected through the use of computers and cell phones.

Remember that as an investigator, you may be required to document the chain of custody for original documents.

An investigator must consider all potential sources of information from the fire scene as well as outside sources. It is their job to determine what information is relevant and useful to the investigation.

INTERVIEWS

~~PROPER PLANNING IS REQUIRED~~ **SHED LIGHT ON:**

~~LOCATED SOURCES OF IGNITION~~
~~CAN PROVIDE CRITICAL INFORMATION~~
~~IDENTIFIED~~
~~LOCATION OF FUEL PACKAGES~~
~~INTERVIEWED THE RELEVANT~~
~~IDENTIFY PERSONS OF INTEREST~~
~~WITNESSES~~



Interviews can be one of the most valuable components of an investigation. Eye witnesses, fire fighters, or even potential suspects can often provide critical information to the cause and origin of the fire. For example, witness interviews can shed light on possible sources of ignition, where fuel packages were located, or even help identify possible suspects or persons of interest.

For an effective interview to take place, proper planning is required. The sooner you conduct the interviews the better; it is important to make sure you have located, identified and interviewed the relevant witnesses in case you need to follow-up at a later date. These first interviews usually take place at the scene or in a vehicle. Any further interviews can be conducted at various locations including the witness's home or the office of the investigator, depending on what is appropriate.

INTERVIEWS

WHO SHOULD CONDUCT THE WITNESS INTERVIEW?



Again, depending on the nature of the investigation, the interview could be conducted by police or fire personnel. However, if the interview concerns details about the fire location, causation and/or development, a person trained in the determination of fire origin and cause should conduct the interview.

Remember to always keep in mind the credibility of the witness. Do they have a specific interest in the outcome of the investigation? Do they have any reason to lie or distort the facts? Every witness statement should be carefully evaluated and compared to the other information gathered by the investigator.

INTERVIEWS

PLANNING THE INTERVIEW

HAVE A **THOROUGH UNDERSTANDING**
OF THE FACTS



REMAIN **FLEXIBLE AND OPEN**

INTERVIEW **ASAP**



Conducting interviews requires skill and training. Before beginning, an investigator should make sure they have a thorough grasp of the facts. This knowledge will guide them in the planning of the interview that will gain them relevant information from the interviewee.

An investigator might feel more comfortable preparing questions before hand. However, it is important to remain flexible and open as the interview progresses; you never know—a witness might have some unexpected information to give.

It is also best to interview witnesses as soon as possible while their memory is fresh and not compromised by the recollection of other witnesses. Another interview at a later date might be required.

INTERVIEWS

PLANNING THE INTERVIEW

MEANINGFUL QUESTIONS THAT **ELICIT** INFORMATION



OPEN-ENDED

Remember the purpose of the interview is to collect useful and accurate information related to the investigation.

PAY ATTENTION TO NONVERBAL CUES



The questions should be meaningful, and designed to elicit information. Open-ended questions are often useful in the interview, as they permit the witness to tell their story in their own words. However, closed-ended questions, questions that elicit a simple yes or no answer, have their place as well.

An investigator should also pay attention to any of the witness's nonverbal cues such as eye contact (or lack thereof) and body language.

Remember the purpose of the interview is to collect useful and accurate information related to the investigation.

INTERVIEWS

IDENTIFY THE WITNESS INCLUDING:
CHECK THE LAWS FOR RECORDING IN YOUR JURISDICTION

- ~~FIELD~~ ~~DATE~~
- ~~DATE~~ OF BIRTH
- ~~LOCATION~~ OF INTERVIEW
- ~~PERSON~~ PERFORMING INTERVIEW
- OTHER PARTIES PRESENT



The investigator should provide the witness with their official title and appropriate credentials, as well as ensure they have established the identity of the witness by taking down the following information:

- The identity of the individual including:
 - their full name,
 - date of birth,
 - driver's license number and
 - contact information.

Investigators also need to record:

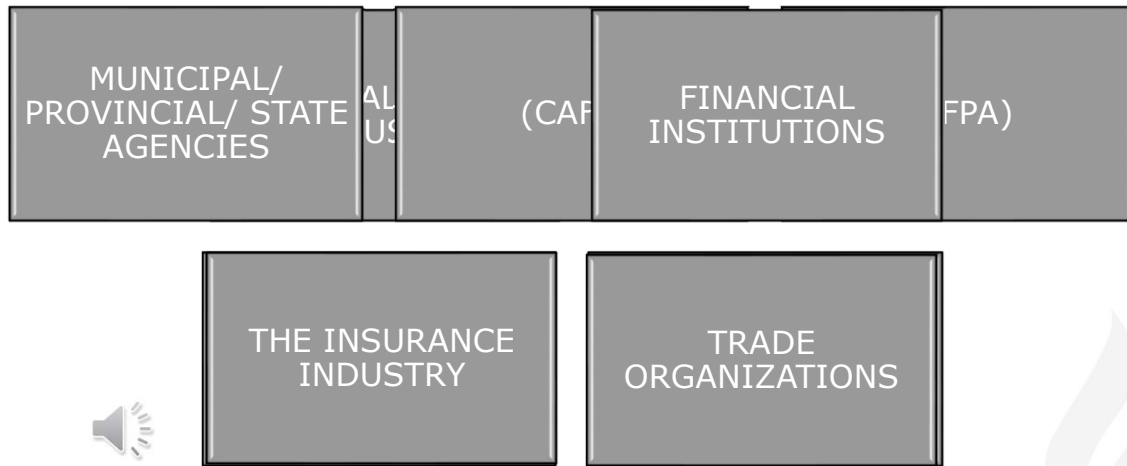
- The date,
- The Time,
- The Location of the interview,
- The Person performing the interview as well as
- Any other parties present.

Documenting the interview can take the form of written notes or a tape and/or video recording. Laws around the use of such recordings in each jurisdiction will need to be followed.

The investigator should obtain written statements from as many witnesses as possible to enhance their admissibility in court.

The statement can be written and signed by the interviewee, or dictated, transcribed and signed, or audio and video recording can be used.

GOV'T & PRIVATE SOURCES OF INFO



There are many government and private sources to enlist when gathering information, including:

- Municipal, Provincial and State Agencies,
- The Canadian Association of Fire Investigators (Cafi),
- The National Fire Protection Association (NFPA),
- The National Association of Fire Investigators (Nafi),
- The International Association of Arson Investigators (IAAI),
- The real estate Industry,
- Financial Institutions,
- The Insurance Industry and
- Trade organizations

INVESTIGATIVE FILE

SHOULD INCLUDE:

VERBAL, WRITTEN OR VISUAL INFO

REPORTS OR MORE HYPOTHESES

ANY OTHER RELEVANT RESEARCH



Any and all evidence to do with the fire incident is compiled into an investigative file.

This will include but is not limited to:

- Any verbal, written or visual information,
- Reports of investigators and other experts, as well as
- Any other research or investigation relevant to the case.

The investigator should organize and analyze all information collected as soon as possible. This analysis can help identify any gaps in the information that may require further investigation, how the information and documents relate to one another, as well as identify pieces of evidence that corroborate each other (or not).

Once that is complete, investigators can start to form one or more hypotheses based on the facts that have been determined through the investigation.

RELIABILITY OF EYE WITNESSES



RELIABILITY OF EYE WITNESSES
CONCLUSIONS
U.S. APPROX. 75% EXONERATIONS INVOLVED MISTAKEN
EYEWITNESS IDENTIFICATION
WITNESS RECANTED HIS STATEMENT



There is growing recognition that eyewitness testimony is simply not as reliable as it was previously considered to be. Eyewitness evidence is often the main type of evidence supporting or refuting the fire investigators' conclusions. In approximately 75% of exonerations in the United States based on DNA evidence, mistaken eyewitness identifications were the principal cause of wrongful convictions. In one case an insurance company denied a claim based on a witness statement that turned out to be completely bogus.

Fire investigators were called to a fire in a well known local meat market – butcher shop. Their investigation revealed that a solenoid switch on a compressor motor in the basement of the building failed and ignited the fire which caused significant damage to the building. Recognizing their limitations in the area of electrical installations and equipment they called the electrical inspector who confirmed the faulty electrical component.

At about this time, the police came to the fire scene to discuss the fire. The police told the fire investigators that they had an eye witness who reported seeing the butcher shop owner leaving the premise a few minutes before the fire. He said the owner look suspicious because he came out of the shop and looked around as if to see if anyone was watching and then he sped off down the street and away from the scene. He said he saw the fire a couple of minutes later and called it in.

The police asked the fire investigators to re-examine the scene but they reached the same conclusion, that the fire started at the solenoid switch. The insurance company brought in an electrical engineer who also concluded that the switch failed causing the fire.

When the police re-interviewed the witness he recanted his statement completely. Further investigation revealed that the eyewitness had mental problems and fabricated the story entirely.

The unfortunate part was the shop owner had to sue the insurance company to settle the claim. During the process he was forced to declare bankruptcy.

CHAPTER REVIEW

ISSUES TO CONSIDER WHEN GATHERING INFORMATION

GOVERNMENT AND PRIVATE SOURCES OF INFO

LEGAL CONSIDERATIONS

FORMS OF INFORMATION



In this chapter we discussed the issues to consider when gathering information for an investigation, including:

- The reliability of the source,
- Legal considerations,
- The different forms of information one might encounter,
- The planning, documenting and analyzing of interviews,
- The different Government and private sources of information available to an investigator as well as
- The importance of the investigative file.

MP1

END OF CHAPTER 10



That's the end of the Chapter **10, Data Collection Outside of the Fire Scene**. You are now ready to move on to **Part 1 of Chapter 11, Documenting the Fire Scene**, but please complete the Unit Quiz first.

If you have any questions now is a good time to contact your teacher.

Slide 17

MP0 Updated slide by changing chapter number.

Marcel Profeit, 2023-03-17T17:43:17.160

MP1 Updated narration by changing chapter number and title as well as chapter number and title of the upcoming chapter. In bold.

Marcel Profeit, 2023-03-17T17:44:13.279