

Arson and Fire Laws

Shasta Arson Task Force Arson Symposium
December 7, 2017

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Shasta County District Attorney's Office

Arson

- Definition → a person is guilty of arson when he or she willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels, or procures the burning of any structure, forest land or property. (P.C. §451)
- Types of arson
 - PC 451(a) → Arson causing great bodily injury (5/7/9; violent felony)
 - PC 451(b) → Arson that causes burning of inhabited structure/inhabited property (3/5/8; violent felony)
 - PC 451(c) → Arson of structure or forest land (2/4/6; serious felony)
 - PC 451(d) → Arson of property (16/2/3; serious felony)

Arson

- Elements
 1. Defendant set fire to or burned or counseled or helped or caused the burning of _____
 2. Defendant acted willfully and maliciously
- Terms defined
 - "set fire to or burn" = damage or destroy with fire either all or part of something, no matter how small the part
 - "willfully" = willingly or on purpose
 - "maliciously" = intentionally doing a wrongful act or when acting with the unlawful intent to defraud, annoy, or injure someone else

Arson of Property (451(d))

- Elements
 1. Defendant set fire to or burned or counseled or helped or caused the burning of _____
 2. Defendant acted willfully and maliciously
- Terms defined
 - "Property" → personal property or land other than forest land
 - No arson committed if person burns his own property unless he acts with intent to defraud or fire burns someone else's property
 - Burning trash is arson (unless trash belongs to defendant); no requirement that property belong to anyone

Aggravated Arson (451.5)

- Acts as enhancement to arson, increasing punishment if:
 - Defendant acted willfully, maliciously, deliberation, and with premeditation
 - Defendant acted with intent to injure one or more persons or to damage property under circumstances likely to injure one or more person or damage one or more structures, AND
 - Fire caused losses exceeding \$5.65 million OR
 - Fire destroyed 5 or more inhabited structures
 - Punishment is 10 years to life in prison

Arson Enhancements (451.1)

- Defendant will be punished by additional 3, 4, or 5 years in prison if arson committed and:
 - Defendant has prior conviction for PC 451 or PC 452
 - Firefighter, peace officer, or emergency personnel suffered great bodily injury as result of offense
 - Defendant proximately caused great bodily injury to more than one victim
 - Defendant proximately cause more than one structure to burn

Recklessly Causing a Fire

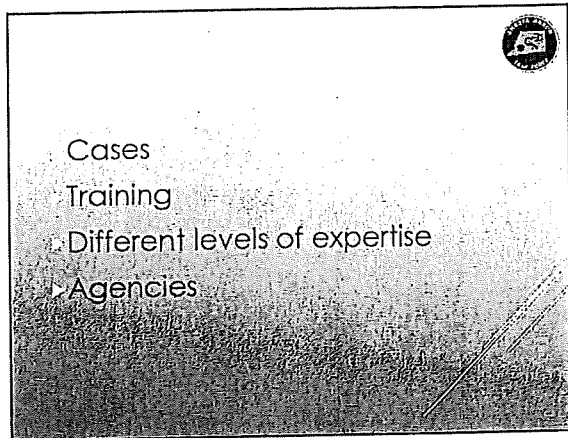
- What does it mean to act recklessly?
- A person acts recklessly when
 1. He or she is aware that his or her actions present a substantial and unjustifiable risk of causing a fire
 2. He or she ignores that risk
 3. Ignoring the risk is a gross deviation from what a reasonable person would have done in the same situation

Recklessly Causing a Fire

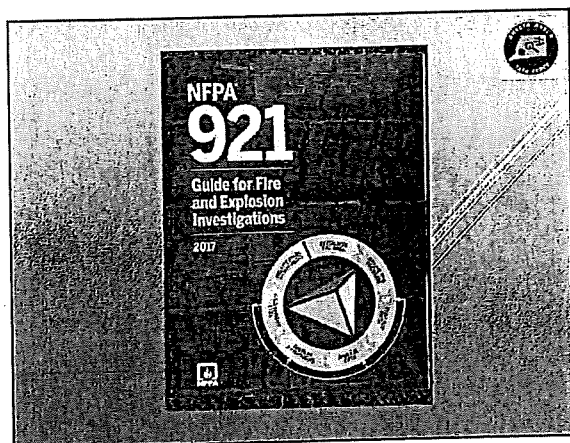
- Subdivisions of PC 452 mirror PC 451
 - 452(a) → causing great bodily injury (2,4,6)
 - 452(b) → causing inhabited property/structure to burn (2,3,4)
 - 452(c) → causing structure or forest land to burn (wobbler, 16,2,3)
 - 452(d) → causing property to burn (misdemeanor)
- State prison eligible offenses
- Conviction does not require arson registration
- Enhancements available in PC 452.1- mirror PC 451.1 enhancements

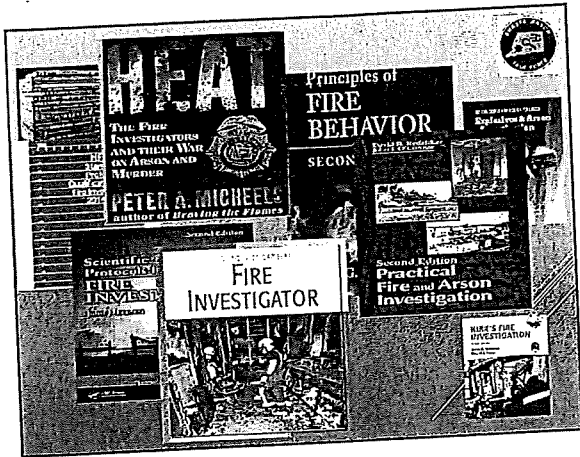
Other Criminal Fire Statutes

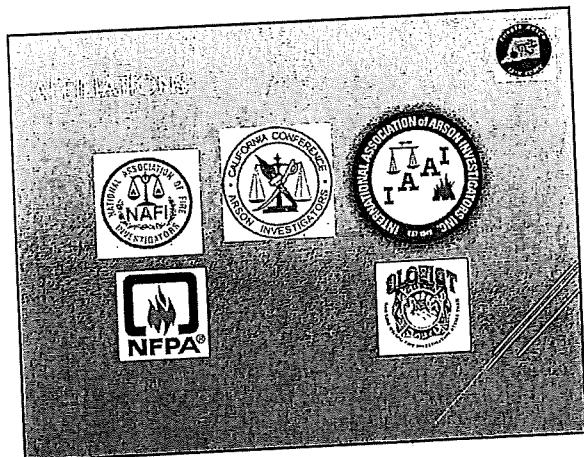
- Health and Safety Code 13000- 13002- careless or reckless actions related to fire
 - HS 13000 → allowing fire to escape
 - HS 13001 → throwing or placing item where it could cause fire
 - HS 13002 → throwing burning object onto road, highway
- Public Resources Code 4421-4423
 - PR 4421 → setting fire on another's land without permission
 - PR 4422 → allowing fire to burn uncontrolled or escape
 - PR 4423 → burning in certain areas without permit

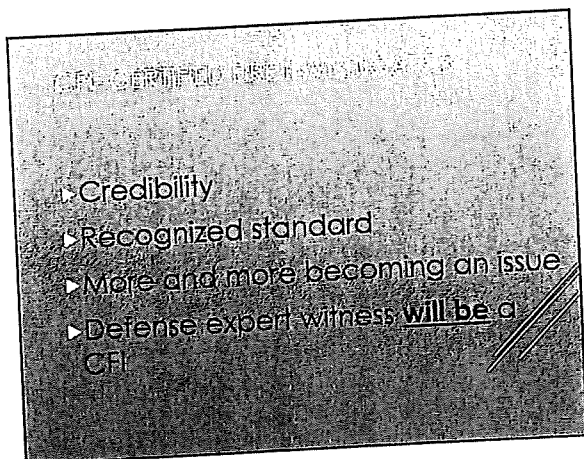












SYSTEMATIC APPROACH



- ▶ 360 exterior photos
- ▶ Scene Observations
- ▶ Witness Statements
- ▶ Building of origin/room of origin/area of origin/point of origin
- ▶ Re-examination
- ▶ Evidence Collection
- ▶ Cause Determination and Fire Classification

ORIGIN DETERMINATION

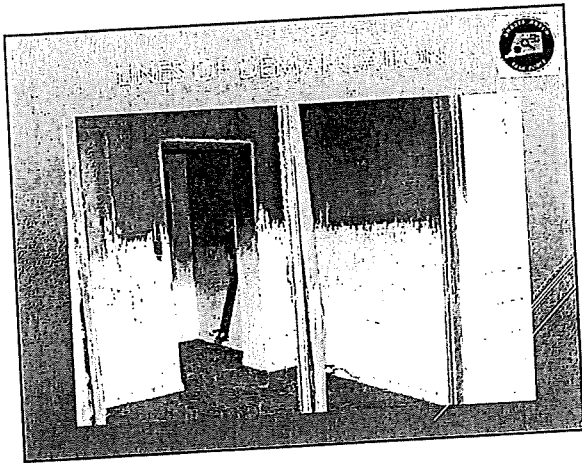


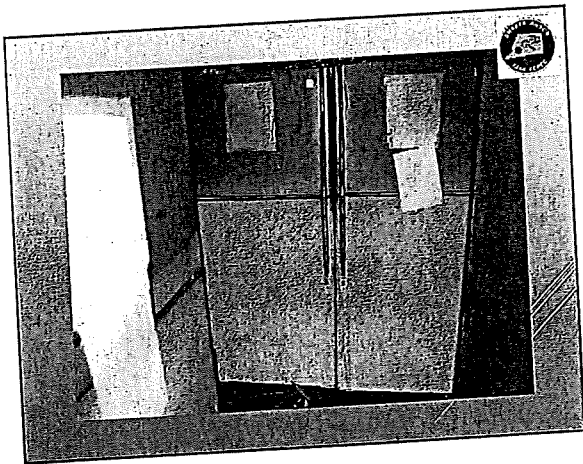
- ▶ Area of Origin - location where the "point of origin" is reasonably believed to be located.
- ▶ Point of Origin - the exact physical location where a heat source and fuel interact.
- ▶ Most important hypothesis that an investigator develops and tests during the investigation.

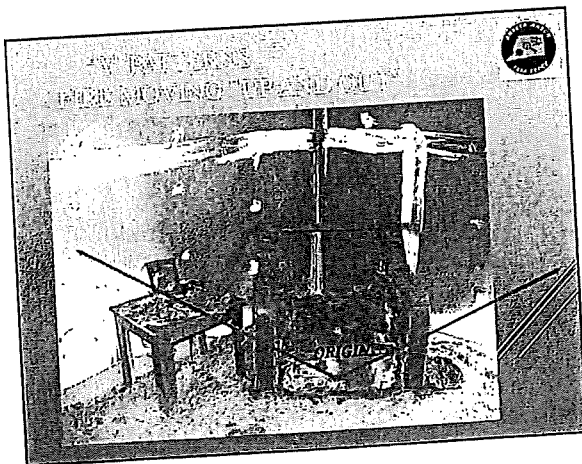
ORIGIN DETERMINATION CONT.

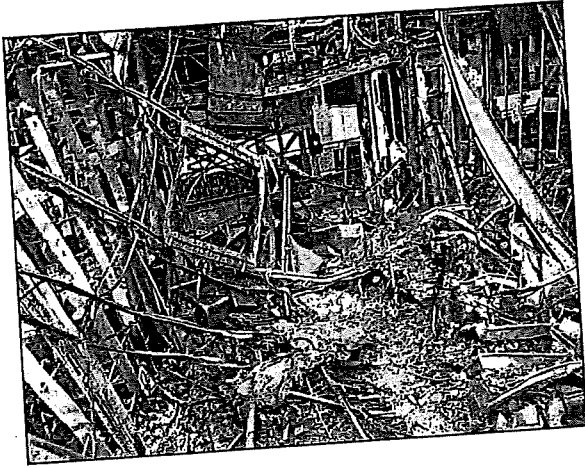
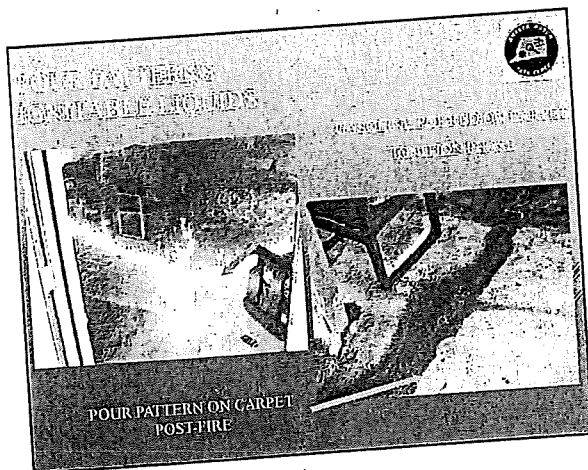


- ▶ Witness Information- and/or electronic data
- ▶ Fire Patterns- analysis of effects and patterns left behind by the fire
- ▶ Arc Flashing- Analysis where electrical arcing has caused damage and the documentation of the involved electrical circuits
- ▶ Fire Dynamics- Analysis of fire initiation and growth

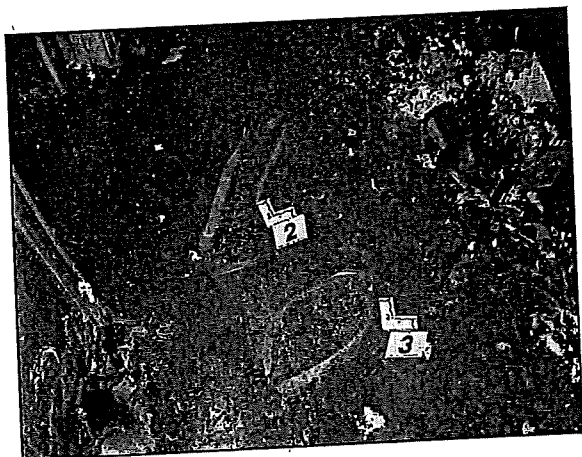


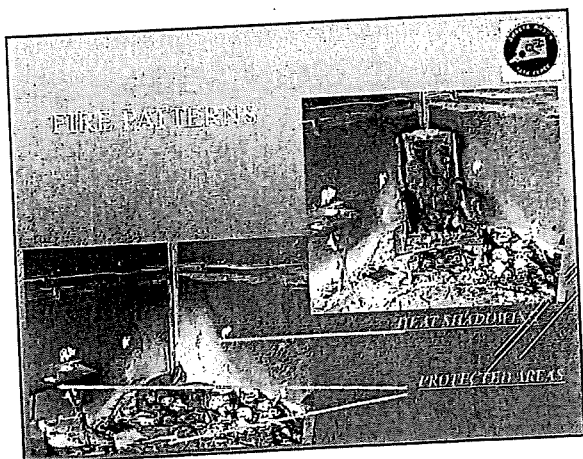




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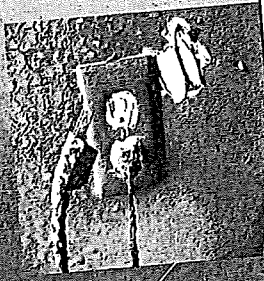






ACCIDENTAL CAUSES

- ▶ Electrical
- ▶ Heating equipment
- ▶ Mechanical
- ▶ Cooking
- ▶ Smoking
- ▶ Candles
- ▶ Spontaneous heating
- ▶ Children

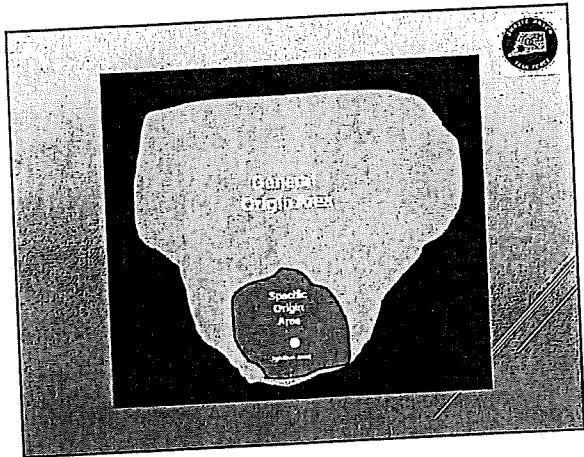


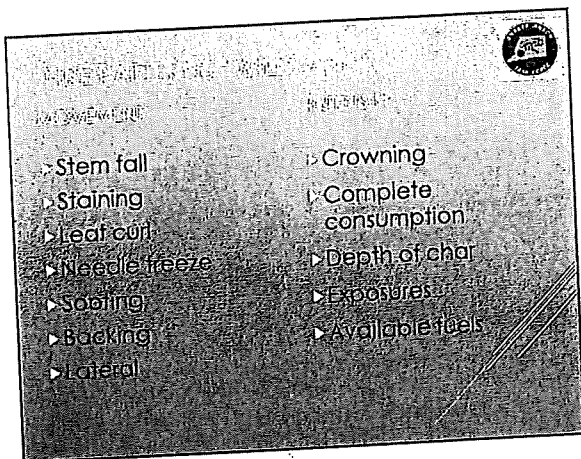
EXCULPATORY
(NFPA 921 19.2.1.2)

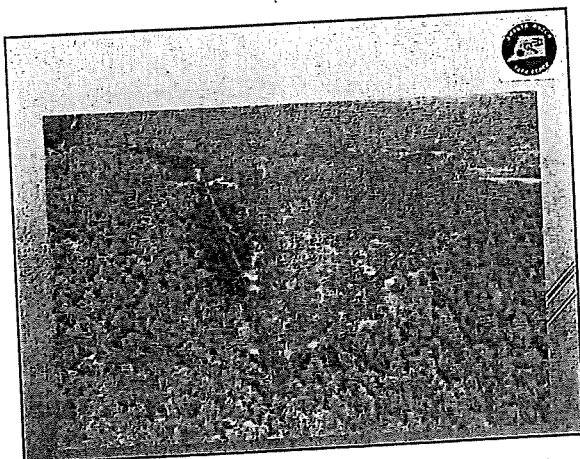
INTENTIONALLY IGNITED FIRE UNDER CIRCUMSTANCES IN WHICH THE PERSON KNOWS THAT THE FIRE SHOULD NOT BE IGNITED

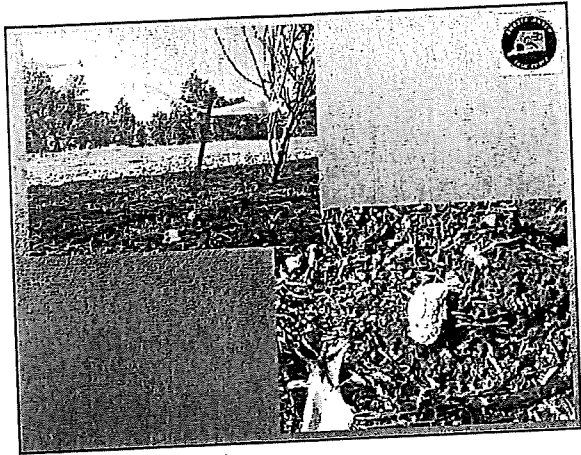
FACTORS FOR INTENTIONAL FIRE

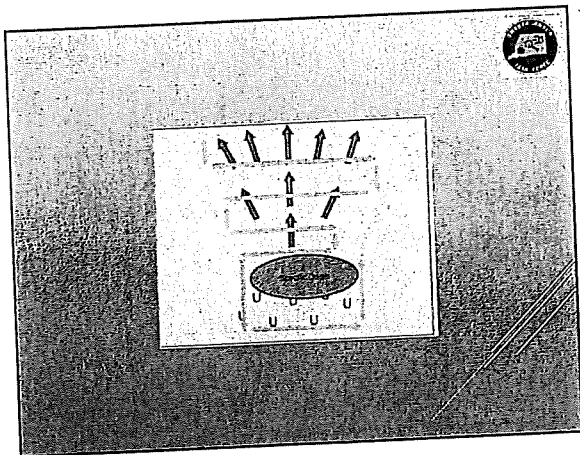
- ▶ Vandalism
- ▶ Excitement
- ▶ Revenge
- ▶ Crime Concealment
- ▶ Profit
- ▶ Extremism

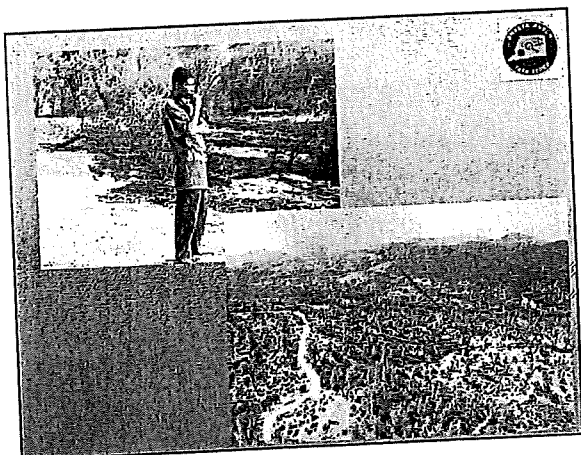

















FIRE DEATH INVESTIGATION

- ▶ Crime scene until proven otherwise
- ▶ Subject is left in place
- ▶ Methodical & time consuming
- ▶ Detailed scene examination



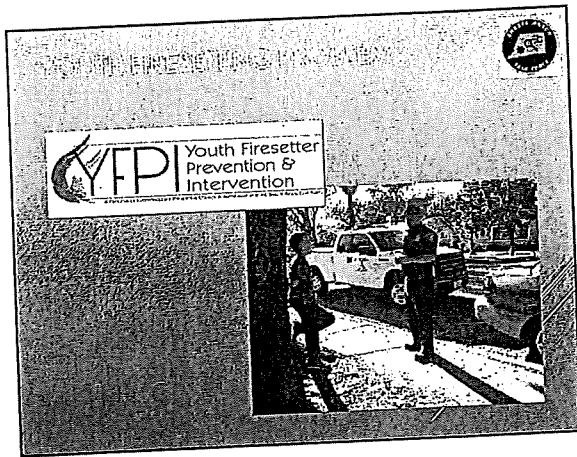
FIRE DEATH INVESTIGATION

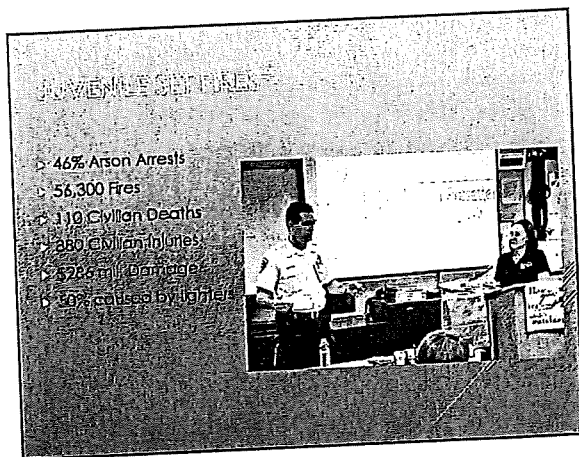


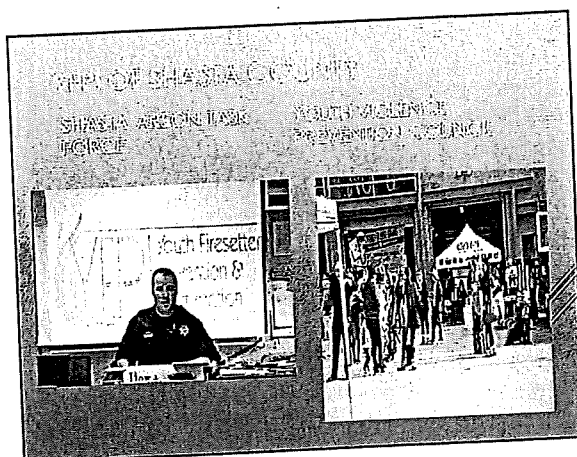
FIRE DEATH INVESTIGATION

Medical Examiner's Office

- Categories of Fire Deaths
- **ACCIDENTAL:** Unexpected Deaths
 - House, Structural Fires
 - Motor Vehicle Accidents
 - Mass Disasters
- **SUICIDE**
- **HOMICIDE:** Intentional Arson
 - Obscure Physical Evidence of a Crime
 - Destroy Personal Identity
 - Destroy Traumatic Injuries







GEOGRAPHIC PROFILING OF SERIAL ARSONIST

Project Start: 1995
 Funding: FBI, Texas Department of Criminal Justice, and the University of Texas at Dallas

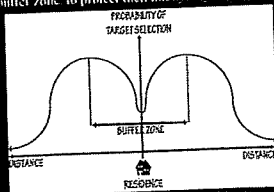
CRIME THEORIES

BEHAVIORAL GEOGRAPHY

- People's moves are NOT random
- Humans are creatures of habit
- Much time is spent at a few locations
 - Home
 - Work
 - Recreation Activities
- The Least Effort Principal
 - A person, given various possibilities for action, will select the one requiring the least amount of effort
- Closest Distance
 - Psychological perception of distance is different

DISTANCE DECAY

- The offenders search behavior follows a distance decay function
- The further away a target is, the less likely the criminal will offend there
- This results in the least effort principle and the offender's desire to operate in a comfort zone
- Offenders strike in familiar places, but not too close to home
- They leave a "buffer zone" to protect their anonymity



SERIAL CRIME

- Serial Crime is NOT rare
- There are many more crimes series than are ever linked by law enforcement
- Many agencies do not know they have a series until there are 15+ crimes
- Agencies who say "we don't have much serial crime" have crime intelligence failures
- Indicators of a Crime Series
 - Increase in a certain type of crime over the baseline
 - Development of a geographic hotspot
 - Similarities of M.O. or offender description
- 10-50 Rule in Crime
 - 10% of offenders are serial which account for 50% of the crime
- Offenders generally live closer to the first crime in the series than the later crimes
 - BUT we might not know the first crime

GEOGRAPHIC PROFILING

THE CRIMINAL INVESTIGATIVE PROCESS

Find the Offender				Prove Guilt	
Collect Suspects			Prioritize	Evaluate	Direct/Indirect Evidence
Public	Databases	Canvasses	Physical Description	Means	Witness
<ul style="list-style-type: none"> • Tips • Witnesses • Informants • Friends • Family • Neighbors 	<ul style="list-style-type: none"> • Criminal Records • Police Files • DMV • Other agencies 	<ul style="list-style-type: none"> • Polo • Cameras • Surveillance • Door Knocks 	<ul style="list-style-type: none"> • Behavior • General • Specific 	<ul style="list-style-type: none"> • Motive 	<ul style="list-style-type: none"> • Confession
			<ul style="list-style-type: none"> • Geography • General • Specific 	<ul style="list-style-type: none"> • Opportunity 	<ul style="list-style-type: none"> • Physical Evidence

GEOGRAPHIC PROFILING ASSUMPTIONS

- The linkage analysis is complete.
- The series is relatively complete.
- The offenders are local hunters not commuters.
- If more than one offender they reside together or in the same immediate area.
- The search base of the offender(s) has not moved during the time period of the crime series.

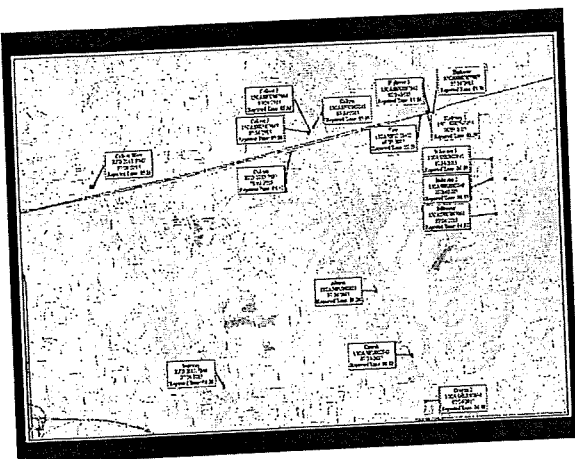
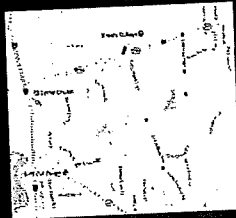
EVALUATING CASES FOR GEOGRAPHIC PROFILING

- A minimum of 5 separate and independent locations
- The series is relatively complete

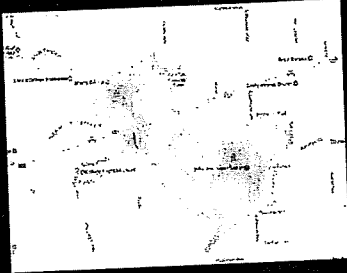
TRACEY WEBB

TRACY WEBB SERIES

- Was also a validation case for Geographic Profiling
- In fires mainly between two days
 - July 24th
 - August 7th



TRACEY WEBB
PEAK PROFILE AREA



TRACEY WEBB'S BOYFRIENDS HOUSE



BERRYESSA
