

Spotlight on Fraudulent Arson

Adair Lewis

1997

A report by Adair Lewis on some highlights from the Arson Prevention Bureau's two-day event at the Barbican Centre, London:

The Seminar was opened by Mr Rober Taylor, the Chairman of the Arson Prevention Bureau, who stressed the aims of the Bureau and its close ties with the Home Office. He described it as an independent forum where all agencies involved in arson are able to discuss their ideas and concerns.

Arson remains a major problem but, according to Mr Taylor, one which 'cannot be solved by government initiatives'. It is one, which can only be addressed through a series of smaller initiatives and through on-going interaction and co-operation by the agencies involved.

The Seminar addressed a number of topics the identification and control of arson, the prosecution of arson, litigation and fraud. a number of workshop sessions also addressed specific issues, and reports were given on the activities of various APB working parties.

AN EFFECTIVE US APPROACH

The principal speakers were Robert Cory, the head of the Fire and Explosion Unit of Massachusetts Police and Hollis Stanbaugh from the TriData Corporation, Arlington, Virginia Their papers outlined the attack against arson in Lawrence, Mass. where the crime had proliferated in the early 1990's.

The situation had followed the 'broken window' theory whereby if one broken window in a building is left unattended more are broken. This is followed by more serious damage often culminating with the property being set alight.

The situation was approached by an efficient, full-time team of arson investigators, uninterested officers were weeded out of the team, leaving a motivated force who always worked in uniform to highlight the police presence. At the same time a multi-agency initiative was commenced to enable many other sectors of the community to tackle the problem in a planned and coherent way, witness statements were taken at as early a time as possible and the quality of evidence that was obtained from the scenes was improved. A prosecution rate against arsonists of 86% had been achieved against that of 4-5%, which is the UK average.

The main lessons that have been learned are that:

- it is very important to begin a fire investigation while the fire is still in progress;
- it is also important to have all the tools and equipment necessary to document a scene and gather evidence available immediately;
- the critical factor is to follow a predetermined procedure that will help identify the origin of the fire. guide evidence collection and provide documented leads about the person responsible for setting the fire. Organisation is the key every fire should be investigated and the investigating team should be highly visible.

SPOTLIGHT ON FRAUDULENT ARSON

Paul May of Resolve International chaired the workshop on fraudulent arson and presented a paper on the second day of the meeting on claims investigation

practice, both sessions were stimulating and led to prolonged debate. The conclusions of the discussions can be summarised as follows:

Do the brigade and the police know who to contact in the area to discuss insurance issues?

- Insurers contact the fire brigade • Brigade do not know who to contact at insurers
- The police and fire brigade would welcome training on the approach insurers take at the fire site.

What help can be given to brigade and police by insurers and/or loss adjusters?

- Requests for information should be standardised
- A profile of the customer, i.e. the person/company at the fire site would help brigade
- Concern was expressed as to whether previous experience should influence the cause investigation
- There is lack of funding within the brigade for investigation
- Police and brigade would appreciate explanation as to what insurers want from them
- Reservation were expressed about the brigade assisting insurers with the provision of full information when there is a risk that later on the insurers may commence litigation against the fire brigade
- The brigade and police would like access to insurers claims database
- Published information relating to fire losses would be appreciated to enable the brigade and police to monitor trends, E.g. from different occupancies
- Concern was expressed that the fire site could be a crime scene and that insurers representatives might disturb the evidence
- The brigade and police would benefit from further explanation of the activities and actions that insurers take after the fire. particularly during the first 24 hours.

Why are brigade and police reluctant to provide assistance to insurers and adjusters?

- There was a general response that there was no reluctance although funding prevented co-operation.
- Concern was raised again regarding post-loss litigation against the brigade.
- The fire investigation report is available at a price.

What liaison exists between the brigade and insurance company risk surveyors?

- It is rare for the brigade to have any contact with the fire insurance surveyor although it was felt that the surveyors would have very useful information relating to current trends and loss experience which could benefit the brigade and police.
- Communication through fire liaison panels was seen as a useful way of developing relationships.

What guarantee is there that the "supposed cause" given by the brigade is correct?

- If arson is suspected by the brigade then the police respond and visit the site.
- There seems to be a possibility that the police demand full proof of arson before they are willing to take the case on and investigate.

- There are incompatible terms (doubtful/malicious) which means that statistics are not directly comparable between brigade and police.

Is it acceptable that the fire cause should be categorised as 'unknown'?

- It was felt generally that the brigade provide a cause or number of causes in order of probability for the majority of losses.
- Not only is there an FDRI but also a full internal investigation report and some brigades would be willing to provide the full report to insurers.

Should there be a statutory requirement placed on the brigade to provide a cause for all fires?

- The consensus appear to be that unless there was such a statutory requirement the investigation of fires. would not be sufficiently detailed to enable police to accept the case as a crime.

During the discussions one delegate claimed that there was a degree of apathy in the insurance industry. He said that he had indicated to insurers during several presentations that he had knowledge of systematic arson attacks in one particular high street, but no one had yet asked him during, or after, the talks where this street was. Surprise was expressed at this lack of interest (but subsequent inquiry has revealed that, once again, no insurer asked the location of the alleged arson attacks after this conference).

A Belgian delegate said that in his country good contacts are maintained via Arson Prevention Clubs, which have been established for over ten years. These clubs arrange monthly meetings between representatives of fire brigades, loss adjusters, insurers, police and anyone else who might be involved.

They have ethical rules, which debar members from speaking about specific cases, when they meet so that they are unable to use the meetings to find out about their latest case.

From questions asked, it appears that the fire brigade and police are already doing this in Newcastle where they had ID cards indicating who can be allowed onto the scene of a fire. It is important to remember that the scene of an arson is a crime scene. The people who may be allowed to enter must be restricted in number and must not be allowed to roam at will.

It would also appear that one type of information that the fire brigades and police would like from the insurance companies is a customer profile for a company or individual before the fire. The reason for this is that when investigating a fire a more in-depth investigation might be performed even if the fire initially appears to be accidental. This would benefit insurers commercial interests.

NEW CATEGORISATION

Stewart Kidd, Director-General of the Arson Prevention Bureau, observed that arson was seen by political extremists as an acceptable weapon in their armoury. His paper traced the decline in accidental fires and the increase in fires begun deliberately. Coupled with this it was a sad fact that the number of people being prosecuted for arson, already low, was actually decreasing. His system for categorising the motives for arson is threefold:

- **Arson with a motive:** Insurance fraud; property speculation; planning approvals; site clearance; contractual matters; intimidation; concealment of another crime; revenge, jealousy; racial or ethical motivations; political purposes; attempts to be rehoused; hindering commercial competition; heroic aspirations; suicide.
- **Motiveless Arson:** Pyromania; clinical psychosis; other mental disorders; criminal damage and vandalism; as a result of alcohol or drug abuse; mental incapacity.
- **Juvenile fire involvement:** fire play; fire setting; motiveless arson; pathological fire setting.

COUNTERING THE SOCIAL EVILS OF ARSON

Dave Hawksfield of Tyne and Wear Fire Brigade and Chris Symonds of Northumbria Police told the seminar of proposals to set up the first UK arson task forces in their area of the country.

For a number of years concern had been felt in the North East and in particular Tyne and Wear about the rising rate of fires attributed to arson. Fires in buildings and vehicles caused by arson had been increasing since the late eighties peaking at 71% in 1993. Arson is often perceived as a crime more related to fraud in an attempt to obtain monetary gain. Recent years have shown that arson can increasingly be attributed to the wilful and malicious damage of other people's property as part of a growing general trend in unsociable behaviour. Various initiatives had been undertaken.

The police and fire brigades cannot deal with the problem alone. What is required is a multi-agency initiative to closely examine the arson problem and identify means of dealing with it. To provide the support the Northumbria Community Safety Strategy Board agreed to assist in implementing two pilot schemes, one in Newcastle and one in Blyth.

The Arson Task Force will be a management system with the aim of developing and implementing strategies to control and prevent arson. Its concept will be to mobilise public and private resources; identify and co-ordinate responsibilities; set policy or guidelines; and integrate the efforts of agencies, groups, and persons who are or should be involved in an organised strategy for implementing arson prevention and control. Ingredients of the plan were likely to include a programme for getting unoccupied buildings secure and repaired, setting up a database to plot arson trends improving the police presence with patrols and investigation, offering community projects and juvenile education.

MENTAL HEALTH PROBLEMS

Dr Ann Barker, a member of the Arson Prevention Bureau's Mental Health Working Party, observed that arson has characteristics, which distinguish it from other types of offences. The final quantum of damage is very often a matter of chance. It is very easy to commit. There needs to be an initial suspicion that the fire was deliberate. It is renowned for the difficulty in gaining a conviction in Court.

Arson can be viewed as a symptom, like a temperature. A temperature can mean anything from a cold to cancer. Four main lines of argument suggest the 'meaning' of arson: that it was the only available weapon; or that it was chosen through ignorance personal experience; or for its symbolic qualities.

A plea is made that all non-accidental fire setting should be called arson, in an attempt to make future risk assessments: "Nothing predicts the future better than the past". Arson should be regarded with "zero tolerance". Prosecution should be brought even though the patient is in hospital. "A large fire is one that started as a small fire and was not brought under control."