

Fire/Arson Investigation Checklist

Scene Investigation:

- SCENE SECURED & Evidence Protected

- Retain qualified Fire Expert IMMEDIATELY
 - NFPA 1033 compliant
 - Conflicts cleared
 - Potential as witness
 - Requisite experience

- Retain “fire savvy” Legal Counsel EARLY
 - VERY familiar with NFPA 1033 & 921
 - Well experienced in fire claims and cases
 - Good Faith, Truth Seeking Mindset
 - Excellent communicator

- Scene Data Collection & Documentation
 - NFPA 921 compliant systematic examination
 - BEWARE Expectation and/or Confirmation Bias
 - Diagraming
 - Measurements
 - General scene conditions, including weather
 - Ventilation
 - Pre-loss construction & systems
 - Photography and videography
 - Google Earth / Crane / Drones?

- Area of Origin
 - Established correctly and well documented
 - All other areas considered / eliminated
 - Point of Origin Established Correctly
 - Documented and diagrammed

- Other tools (e.g., mathematical fire modeling)
- Consider
 - Potential for Spoliation claims / issues
 - Notice to other Interested Parties
 - Investigative Resources (& potential cost sharing)
 - Destructive Testing Protocols
- Ignition Source(s)
 - Identified AND well documented
 - All other sources considered/ eliminated
 - Samples preserved and tested
 - If no physical evidence of the ignition source, do you have:
 - Multiple fires (origins)
 - Ignitable liquid residue, confirmed by lab, w/o innocent explanation
 - Lack of expected fuel
 - Unusual fuel load or configuration
 - Trailers / Incendiary device(s)
 - Other similarly substantial evidence re ignition sequence
- Material(s) First Ignited
 - Identified AND well documented
- Sufficient scene excavation & reconstruction?
 - Consideration of potential contamination
- Hypothesis Testing – substantive and provable?
- Consider need for other experts and/or consultants
 - Engineer (Structural, electrical, materials, chemical)

- Alarm expert
 - Locksmith
 - Video and surveillance preservation and enhancement
 - Fire debris testing or analysis (e.g. GC / Mass Spec., X-Ray)
 - Fire Modeling
 - Failure analysis / Appliance or materials testing
- Comparison with other opinions
 - Public Agency
 - Other experts?
- Evidence properly identified, documented and secured?
 - Chain of custody
 - Proper evidence collection procedures
 - 911 calls – get it early
 - Surveillance video – get it early
- Before you leave the scene, consider:
 - Dramatic / impactful photo sequences
 - Additional Diagrams and other demonstrative evidence
 - Photo matches – with FD/PD photos, etc.
 - Gather all data needed to later do fire modeling
 - Additional expertise for specialized areas
 - ALL INGRESS / EGRESS OPENINGS thoroughly documented?
 - Contents well documented

Non-Scene Investigation:

- Who will be involved in the investigation (“Boots on the ground”)
 - Independent Adjusters

- SIU
- Revisit use of counsel
 - When retained
 - Extent of control
 - Advice of counsel
- Interviews
 - Identifying witnesses
 - Insured(s)
 - Employees
 - Suppliers, customers, debtors, creditors
 - Percipient witnesses
 - 911 callers
 - Fire personnel (Reporting & Immunity Statutes)
 - First on scene observations (scene security, 1st sited flames, etc.)
 - Changes to the scene
 - Suppression tactics (and possible impact)
 - Overhaul (and impact)
 - FD Investigation, including evidence collection
 - Witnesses & witness statements
 - Evidence collected, testing, results
 - other?
 - Law enforcement (Reporting & Immunity Statutes)
- Sources of Statements and Testimony by Insured
 - Interview by Fire Investigator
 - Law Enforcement and Fire Personnel interviews and reports
 - 911 Calls
 - Initial Claim Reports

- Pre-Loss Calls to Agents, Underwriters
- Records of calls in notes
- Other claim file records
- Applications
- Recorded statement
- Examination Under Oath

- Documentary Evidence
 - Agent's file
 - Underwriting file
 - Pre-loss inspection reports
 - Initial Loss report
 - Law enforcement reports (including prior reports)
 - Fire agency reports
 - Call history re law enforcement
 - County and City Building department records
 - NICB, ISO, etc.
 - Litigation, BK, tax, judgments
 - Business records, corporate records

- Digital and Electronic Evidence
 - Social Media posts
 - Cellular & Text messages
 - Cell Tower Data
 - Alarm records
 - Photos and videos metadata

- Other experts and consultants
 - Loss consultants and appraisers
 - Forensic accountants

- Comparing &, if possible, resolving any conflicting findings
 - Other insurers

- Law enforcement

FILE MONITORING:

File Reporting

- Timely
- Assigned division of labor
- Appropriate content
- Reflective of fire origin and cause investigation protocol and findings
- Other investigation properly documented and monitored
- Documentation consistent with claims handling regulations requirements
- Follow-up as necessary
- Notes are relevant

Communications With Insured

- Acknowledgement of claim
- Duties After Loss notice
- Status Updates
- Reservation of rights
- Records and information requests
- Responding to attorneys and public adjusters
- Good Faith – TONE IS IMPORTANT!

RESOURCES:

- ***Scientific Evidence and Expert Testimony, Chapter 6 – Origin and Cause of Fire.*** CEB 2016.
Library of Congress # 2014957967
(co-authored by presenters and other FCA experts)
- NFPA 1033 - ***Standard for Professional Qualifications for Fire Investigator*** – 2014 Ed.
- NFPA 921- ***A Guide for Fire and Explosion Investigations*** – 2017 Ed.