

# Fire service administration



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## Case Study: Search Warrants and Arson Investigations Apartment Fire of the of the Search Warrants and Arson Investigations Apartment Fire Investigation

The arson investigation rests on four areas, which are incendiaries, opportunity, motivation and connecting evidence. Incendiaries come as a result of investigation of the place of incident by a qualified expert.

Opportunity focuses on the security of building when the fire was engulfed and who had access to the scene first. Motivation, which speaks for itself insured's with financial status, profit or loss and cash flow arises out from operational activities. Certain connecting evidence that includes the investigation of insured history, operability of fire extinguisher, burglar detection system in place and how the insured came to know about the fire, are essential for investigation (Redsicker & O'Connor, 2010).

### Legal Requirements

The fire fighters officially need no warrant to enter in a building for a specific time having reasons to be there to investigate the matter. If the above persons are in a state of doubt, they have every right to arrange administrative or criminal search warrant as the case may be for necessary searches by intimating to the office of Prosecutor. For more elaborate investigation, they seek permission of district attorney coupled with crime specialists and legal experts to face the questionnaire relating to affected scene (Davis, 1978).

If search needed, it should be specific in respect of the ingredients that are location of the property to be searched and specific items that require searching. If there is no reason or evidence available, the investigator may have some probable cause (Davis, 1978). A Probable Cause Affidavit should

contain many aspects such as when and where the incidence took place; relevant information should be in chronological order leading to the ending point of ample evidence for a particular location; if other investigator need to investigate the place of incidence, it requires the following conditionality and in order to ensure maximum effectiveness, it should be with the consensus of all the stakeholders; Investigators are duty bound to keep that cause of fire for examination later on; the mentioned laws allow sharing of information between the police and fire investigator besides the investigators of the insurance company (Davis, 1978).

#### Arson Immunity Statute

The key aim is to ensure flow of vital information between the law enforcers and the insurers. It provides opportunity to the insurer or other persons connected with fires that seem to be suspicious in its originality. It permits insurer to inform the state organs about fire and share the information that has developed during the course of investigations. The cited statute permits authorized state and federal fire marshals, law enforcers, insurance officials and the prosecutors that insurance companies release all material information with regard to policyholders involved in a fire loss that includes premium payment records and earlier claims (Redsicker & O'Connor, 2010). It requires insurers to note down authorized agencies about suspicious loss that occurred due to fire. It determines limited criminal and civil immunity for those whose insurers are providing information under the garb of certain provisions of the statute (Berlin, 2011). Cited rule allows exchange of necessary information between the insurers and other stakeholders. It ensures secrecy of confidential information.

As far as the warrant exceptions are concerned, the courts grant permission

in certain conditions. The competent court of law does not unnecessarily put a blockade in the work of the law enforcers. Take the example of an officer who requires a search warrant to confiscate contraband items. The Fourth Amendment needs that every search warrant should be on a case to case basis taking into account the importance of defendants privacy provided to him under the law in specific circumstances (Berlin, 2011).

Under the mentioned scenario, the court of law initially issued administrative search warrant to get into the details of fire. After in depth investigations by the investigators, the court will decide whether to issue criminal search warrant without hurting the privacy of the inmates of the place of incidence.

#### References

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